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A

HISTORY

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OF

FRENCH INFLUENCE IN THE UNITED STATES.

TO WHICH IS ADDED,

AN EXPOSITION

OF

A CONGRESSIONAL CAUCUS.



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# A HISTORY

OF

## FRENCH INFLUENCE, &c.

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THE freedom of opinion is one of the inalienable rights of man, and one of the great gifts of his creator ; it is a privilege which no human power ought to infringe,\* and no state of society unnecessarily to abridge. To commune on every subject which may relate to his happiness and improvement, is not only a natural right, but a principle of moral expediency : in almost every state of civilized life, and under every legitimate form of government, we find this right both recognized and established. It was peculiarly congenial to the manners and education of the American people, and early adopted as their birthright : this privilege is now guarantied to every citizen of these states as the sacred palladium of his liberty,† and by human wisdom deemed the best safe-guard of the people against the inroads of human ambition. Should we live to see that reign of terror, might I say, that terrible state of things, when this faithful sentinel may be awed into silence, the voice of freemen marked with proscription, and the arm of the law cease to give protection to property, to liberty, and life, then, indeed, we shall have cause to tremble for the federal government, for the rising generation, for posterity, nay, for the very existence of our compact.

Influenced by no other motives, and actuated by no other interests than those which are common to my fellow citizens at large, of supporting the laws and constitution of the union, and at the same time of uniting with them, with all my feeble strength, in pursuing every constitutional measure, which may tend to the restoration of peace, and the reinstatement of our national prosperity, I shall submit to the consideration of the

\* See Montesquieu.

† See the constitution of the United States.

public, a few observations relative to the present state of the nation, the causes which have contributed to produce it, and, with a view of removing the evil, the policy of changing our administration.

Our national disease has now become alarming, and baffled all the modern theories of the south, and our political safety rests on the practical skill and experience of the north. We can never hope to have the disease removed without a removal of the cause ; and for that end we must trace the complaint to its very source—in dangerous situations, the pulse must not only be felt, but every wound probed to the very bottom.

In these few remarks, I propose, 1st. To prove to the world, that a French connexion has been the great source of all our national misfortunes. 2dly. That a continental alliance with that nation, at this critical period, is incompatible with our national safety, and that all cause of gratitude to her has long since ceased. 3dly. That a northern policy of agriculture and commerce, is the true policy of these states, considering their situation, the genius and enterprise of the people, and their peculiar bias for the sea.

In this mournful procession of our wrongs, where shall I commence, and where shall I end ? Shall I go back to the public insults and indignities offered to the father of his country, the precursor of our national injuries, or the many aggressions to our citizens, or the spoliations committed on our commerce, or the degrading propositions made to our envoys in the years of '98 and '99,\* might I be permitted to say, the juggling conduct of the present emperor, then first consul of France, to obtain money from the public functionaries of a virtuous nation, by bribery and corruption ? No, this recital would swell a volume exceeding in size the Justinian Code. Waving a recital of all these indignities, insults, tricks, frauds, and aggressions, I shall commence my narrative with the æra of modern philosophy in the United States, forming a memorable epoch in the beginning of the nineteenth century, and confine myself to a few of those prominent acts which have distinguished the administration of Mr. Jefferson and his presiding successor, such as the dismantlement of our navy, the loss of which is now so severely felt on all our maritime coast ; the abandonment of our mercantile claims to France by the treaty of 1803 ; the payment of fifteen millions of dollars to that nation for the right of Louisiana, an eternal source of dissension between us and the Spanish empire ; the ruinous effects of the Milan, Berlin, and other decrees, on our commerce ; the denial of the official authority of Spain, affecting

\* See the report of the Secretary of State in '99.

the amicable adjustment of our claims against that country; the deplorable effects of our restrictive systems, embargo, non-intercourse acts, &c.; and conclude with a few remarks on the effects of a congressional caucus, its infringement on the constitutional rights of the people, and the policy, at this critical moment, of placing the helm of government in the hands of an individual of political principles congenial with the north, and of virtue, patriotism, energy and talents equal to its management. In vain do we contend for the views of parties and partizans; in vain for names, whilst the more substantial interests of our country are at stake; nay, whilst the republic is threatened with ruin, and calamity reigns over our land.

The cloud which has so long darkened our political horizon has now burst, and fatal experience has brought home the dangers of moral and political innovation. The wild theories of the south have reduced our country to a crisis awful indeed, and all hopes of safety are placed in heaven and the policy of the north. Of late years a new-fangled system of philosophy and government has been introduced amongst us, a source of many evils to the old world, and of great calamity to the United States; its effects are now known and felt by every section in the union, and its principles exploded by all classes of the community. In the language of a philosophic ruler, it has undergone a "full tide of experiments," and, like an exotic plant, uncongenial with our clime, it has faded and failed. The alluring and dangerous principles of Rousseau could never harmonize with those of religion and virtue—nor those of a military despotism with a pure republic. By an inordinate ambition for power, under the mask of democratic simplicity, this doctrine was first ushered in amongst us; with all the philosophic array of diffusing a new light into this new world; it was calculated to relax all ties of moral and political obligations, and in a great measure, favour the principles of an agrarian law,\* and consequently gained much popularity; but, like the serpent in the garden of Eden, it soon allured and poisoned our private and public institutions. To predict the probable effects such a system of policy would sooner or later produce on our state affairs required no prophetic art; it was no more than the result of ordinary calculation. From a doctrine of philosophic infidelity we could expect nothing favourable to morals; and from a system of Chinese policy, nothing less than Chinese degradation.

\* See Washington's life by Judge Marshall, vol. v.

Contrary to the experience of nations, the usage and customs of our ancestors, and the solemn advice of the father of his country, strongly recommending the necessity of defending our maritime rights by maritime force, we have seen our navy dismantled, our mercantile intercourse stopped up, our produce rotting in our barns, our treasury drained, the vitals of the nation wasted by idle negotiations, and, to complete our system of experiments, we have seen a great empire descending to the degrading policy of asserting her rights by a system of maritime plunder. Using the language of the laws of nations on privateering : " Privateers may be esteemed but one remove from pirates ; as the undertakers are supposed to have no immediate injuries done them, nor have they any other motive but the hopes of gain to animate them to the engagement, or induce them commencing a trade of rapine and spoil on the persons and goods of innocent traders."\* Such have been the effects of our southern policy, before unknown in the United States, and perhaps in the annals of the world.

What would the good people of this country say of that farmer, who, forgetful of the ordinary rules and customs established in husbandry, and practised by his ancestors, spent his time in experiments, without paying any regard to the seasons, climate, or the soil ? What of that merchant, who hazards his fortune to various parts of the world, without insurance or a knowledge of their produce, their markets, or staple manufactures ? What of that physician, who reduces a sound constitution into a state of debility by tampering experiments ? What of the statesman, who has wasted the strength and vitals of his country by wild theories, and in a defenceless, debilitated situation, exposes her to all the disasters of a war ? And of what ? Of ruin and devastation to the old world, from the theatre of which it has pleased divine providence to separate and protect us, our temples, our firesides, and our peaceable abodes, by the wide ocean. Using the language of one of our envoys of ninety-eight,† in his communications to the then secretary of state, in relation to our affairs with France : "*Nature seemed to have entitled the United States, in their remote situation, to the peaceable pursuit of their industry, by means whereof, in its various branches, their wealth and power were rapidly increasing ; and to an exemption from the conflicts of Europe, which involving them, would check their population, drain their resources, and ensure their poverty.*" But let us suppose that the cause of aggression has been suffi-

\* See Beawes's *Lex Mercatoria*.

† See the communications of Mr. Gerry.



cient to provoke hostilities against foreign powers, was it not expedient and incumbent on our administration, first, to make the necessary préparations, if not for an impression, at least for a defence. On this subject, what is the language of Vattel? "One of the political ends of society is to defend itself by the means of its union, from all insults or violence from without. If the society is not in a condition to repulse an aggressor, it is very imperfect, it wants its principal support, and cannot long subsist. The nation ought to put itself in such a state as to be able to repel and humble an unjust enemy; this is an important duty, which the care of its perfection, and even preservation itself, imposes both on the state and its conductor."\*

But have not our administration negotiated with the belligerents for years? Have not the treasury and the patience of the nation been long exhausted on this subject? And have they not finally given the world ample proof of national courage, by embarking into a maritime war, with a maritime force, bearing the ratio, in mercantile language, of one per cent, that is, of one ship of war to one hundred! For if I am not very much mistaken, there is that difference between our navy and that of the British nation; and should we be but fortunate enough to find all the seamen asleep in their hammocks, or in the situation in which Themistocles found the fleets of Xerxes,† we will make a bridge of them from Dover to Calais, lead over the French armies, and hail the ruler of France and the continent as our *faithful* ally, for establishing the freedom of the seas and of man.‡

With these preliminary observations, I shall now proceed to illustrate the truth of the propositions which I have promised the reader to prove.

After the ratification of the French treaty of 1800, the first obnoxious act of our Jeffersonian administration was the dismantlement of our navy, at that time rapidly growing into strength and importance; so much so, as to have given us the pleasing hopes of seeing it, in a short time, not only equal to the protection of our national commerce, but commanding respect amongst foreign countries without increasing their jealousy; at all times the English nation had more to fear from the ambition of France than the rising prosperity of the United States; and certainly she could have no well grounded fears, for a length of time, of finding the maritime power of the United States her rival on the

\* See Vattel.

† Plutarch's life of Themistocles.

‡ Quid vetat ridere et dicere verum.

ocean. Considering the amazing advantages which we possess of ship materials and ship building in this country, instead of being laid up in dry docks, and of giving way to a miserable gun-boat system, a ridiculous creature of philosophic fancy, had our infant navy been fostered and nurtured for the period of nearly twelve years, how variant would have been the aspect of our country—how different the state of the nation. With an adequate protection of a rising maritime force, at this day, our commerce must have exceeded all human calculation.

The very appearance of a navy gives a certain degree of dignity and respect to a nation; and though rarely called into action, is of importance in giving security to commerce. There is no maxim more true, than that a national preparation for war is the best security for peace, and that a dignified attitude of defence is a great security against insult.

It is impossible to glance over history, either ancient or modern, without finding many proofs and examples on this subject. As well might we suppose that an individual may enjoy all the rights and privileges of security without the aid of his own arm, or that of the municipal law, to protect him, as a nation to reap all the rights and advantages of commerce without a navy.

The laws of nations are no more than moral obligations, which have, from the commencement of the world, been regulated and governed more by power and interest, than natural justice—without the former, there is little security for the latter.

Notwithstanding the meridional glory to which the Roman people arrived by land, and the many conquests which they effected by the prowess of their arms, still they wisely avoided all kinds of maritime warfare, till they had provided themselves with a fleet calculated to make an impression on their enemies; nay, till they became powerful on that element where their rights were invaded and annoyed. What raised the Phœnicians, on a rock of sterility, to grandeur, to glory, and to riches, but their commerce and their fleets? What enabled the Carthaginians to cope with Alexander the Great, and resist the Roman arms in a war of fifty years, but their great national enterprise, their commerce, and their fleets? By these the republics of Venice, Genoa, and of Holland, dispersed their wealth and influence all over the world. By commerce, the family of the Medici established a memorable epoch in the annals of their country. By her trade, her commerce, her manufactures, and her fleets, the British nation has established her mercantile influence all over the world, and her dominion on the ocean. By these our country is destined to rise from its present degraded enthrallment, suitable only to the policy of a French philosopher, or of a Chinese slave; nay, from

that state of vassalage under which she has been so long enslaved, fettered, disgraced, and degraded.

I cannot dismiss this article, without laying before the reader the pathetic advice of the father of his country, in his farewell address to the American people. Speaking on the subject of commerce, he says : " To an active external commerce, the protection of a naval force is indispensable—this is manifest with regard to wars in which a state is itself a party—but besides this, it is in our own experience, that the most sincere neutrality is not a sufficient guard against the depredations of nations at war.—To secure respect to a neutral flag, requires a naval force, organized and ready to vindicate it from insult or aggression—this may even prevent the necessity of going to war, by discouraging belligerent powers from committing such violations of the rights of the neutral party, as may, first or last, leave no other option. From the best information I have been able to obtain, it would seem as if our trade to the Mediterranean, without a protecting force, will always be insecure ; and our citizens exposed to the calamities from which numbers of them have but just been relieved.

" These considerations invite the United States to look to the means, and to set about the gradual creation of a navy. The increasing progress of their navigation promises them, at no distant period, the requisite supply of seamen ; and their means, in other respects, favour the undertaking. It is an encouragement likewise, that their particular situation will give weight and influence to a moderate naval force in their hands. Will it not then be advisable, to begin without delay to provide and lay up the materials for the building and equipping of ships of war ; and to proceed in the work by degrees, in proportion as our resources shall render it practicable without inconvenience ; so that a future war of Europe may not find our commerce in the same unprotected state in which it was found by the present ?"

The prophecies of that great man are now brought home, and proved by the alarming state of our country, of our towns and cities, ports and harbours, trade and commerce, in a defenceless state, now in mourning for the loss of an affectionate father, whose life was in vain spent in securing the happiness of his children—in vain in admonishing them of future ills—in vain in bequeathing to them those blessings of freedom, prosperity, and peace, which are now banished from our land.

In the order of succession, the next public act worthy the consideration of the reader, and at the same time connected with French influence, and infringing on the laws of nations, nay, of the ordinary rules of justice, was the abandonment of our mercantile claims to the government of France, exceeding the enormous sum of twenty millions of dollars ; for these honest claims



the merchants have never been remunerated, either by France nor their own government. Anterior and subsequent to the year of eighteen hundred, in which a treaty of amity and commerce was ratified between France and the United States, many spoliations were committed on our commerce, as appears from the history of our public communications of that time, and in a particular manner from those of our envoys of '98 and '99,\* and here it may not appear improper to remark, that notwithstanding the degrading and humiliating treatment of those gentlemen who officiated on that public occasion, suitable more to the condition of abject slaves, than the dignified state of the public functionaries of a great republic; and though the primary object of their mission was to obtain an adjustment of these claims; still, strange to be told, as if bewildered by some extraordinary infatuation for that government, our administration, on the following year, forgetful of our national disgrace, patched up a treaty with that country, in which those very claims are entirely excluded;† a treaty containing many promises and engagements which have never been fulfilled; nor can I ever reflect on the impression which this treaty, at that time, made on the minds of some well meaning men, congratulating themselves, as if with some national donation, without bringing to my recollection a similar impression, which was once cherished by the people of these states, in consequence of their paper money receiving a governmental guarantee, as if in the one case the security of payment was changed by the depreciation of the debt; or in the other, the faith or honesty of the French nation was to be improved by the abandonment of our claims, and obtaining from them new promises by the ratification of a new treaty. Soon after this treaty, the retrocession of Louisiana to France, by the King of Spain, opened a door of misunderstanding between the United States and the former; this arose from the construction of the treaty of Madrid, ratified on the 27th of October, 1795, by his Catholic Majesty and the United States. In the year 1803,‡ with a view of removing this misunderstanding, and of reviving our claims against the French government, and in order to embrace both objects, two additional conventions were ratified between both nations; and what was the result of these treaties, if they may be so called? It was to dupe the government, and fleece the honest people of these states out of 15,000,000 of dollars. This sum was absolutely paid to France for the French title to that territory, whilst the American merchants received but little or nothing in lieu

\* See the communications of Mr. Gerry, and the report of Mr. Pickering, hereto annexed.

† See the 6th volume of the United States Laws.

‡ See treaties of 1803, in the 6th and 7th volumes of the United States Laws.



of their claims ; so that in fact, and in deed, that country, by her management, influence, and address, has early contrived to chain us to her continental system of contribution. Before I proceed to examine the policy of the purchase of Louisiana, or the consequences resulting from it to the United States, I will call the attention of the reader to the provisions made for the payment of our claims, in order to satisfy him of the advantages of a French connexion and French policy in the United States.

Toward the payment of twenty millions of dollars, the public appropriations made by the treaty of 1803 do not exceed that number of francs,\* and such are the artificial embarrassments placed in the way, as to amount to a denial of justice. The conditions of payment are accompanied with so many provisos, and subject to such limitations, with an ulterior appeal to the decision of the French government herself, as to render a compliance with them impossible to the claimants, as will appear from the 5th article of said treaty, hereto subjoined. "The provisions of the preceding articles shall apply only to captures, of which the council of prizes shall have ordered restitution: it being well understood that the claimant cannot have recourse to the United States, otherwise than he might have had to the government of the French republic, and only in case of the insufficiency of the captors. 2d. The debts mentioned in the said fifth article of the convention contracted 30th of September, 1800, the payment of which has been heretofore claimed of the actual government of France, and for which the creditors have a right to the protection of the United States. The said 5th article does not comprehend prizes where condemnation has been, or shall be confirmed. It is the express intention of the contracting parties not to extend the benefit of the present convention to reclamations of American citizens, who shall have established houses of commerce in France, England, or other countries than the United States, in partnership with foreigners, and who by that reason, and the nature of their commerce, ought to be regarded as domiciliated in the places where such houses exist; all agreements and bargains concerning merchandize, which shall not be the property of American citizens, are equally excepted from the benefit of said convention, saving, however, to such persons their claims in like manner as if this treaty had not been made." Such have been the provisions of the treaty of 1803, to satisfy our mercantile claims, the justice of which have scarcely ever been questioned, even by the government of France. On this subject I close my observations in referring the reader to the following passage in Vattel: "Whoever uses a citizen ill, indirectly offends the state which ought to protect this citizen, and his

\* See 7th volume United States Laws.

sovereign should avenge the injuries, punish the aggressor, and if possible, oblige him to make entire satisfaction; since otherwise the citizen would not obtain the great end of the civil association, which is safety.”\*

I come now to the policy and effects of the Louisiana purchase, a subject on which I have lightly touched in the preceding article; and when we come to consider the immense extent of our territory anterior to this union, our rights of commerce on the Mississippi, with a place of deposit secured and guarantied to us on the banks of that river, by the treaty of 1795, or the great source of contention produced by this purchase between us and that country, it is difficult to separate the policy of this act from French bias and influence; for what else could authorize a policy of this nature. Anterior to this purchase, we were in the possession of as much territory as was consistent with the nature of our confederacy, and more than was necessary for our population; the purchase was not necessary for the enjoyment of the navigation of the river, which would appear to have been intended by nature as a boundary for these states.

Again: If the arguments of some of the members of the Virginia convention, on the adoption of the general government, pressed by talents of no ordinary kind, a convention too, made up of patriots, statesmen, and orators, unrivalled in the history of any country on earth; I say, if these are entitled to any weight, certainly the enlarging our territory by the union of Louisiana cannot be sanctioned by any sound principle of policy. In order to give adequate strength and energy to a government, the extent of territory should have some proportion to the nature of the government and state of population, nor will good policy ever sanction the extension of the territory of these states beyond those bounds which are consistent with the strength of the confederacy, the due operation of the laws, or the salutary government of a republic.

We are now come to the examination of an article which may justly be deemed the climactic part of French influence in the United States, called the Milan and Berlin decrees; a subject which has recently created so much interest and attention in Europe and this country; when I consider the very able manner in which it has already been treated, and the effects it has produced both at home and abroad, at this very critical period, I would be happy to pass it over in silence, if it did not form so prominent a feature in the political state of our country—if not a very important part of my history in detailing the French influence in these states—if, in short, our admiri-

\* See Vattel.

nistration had not been shamefully imposed on by the juggling finesse of these intriguing managers. I say our administration, in contradistinction to government—for let the administration be right or wrong, on the subject of government, there can be but one voice and one will among the American people—and these must be in support of their government; nor does the present state of our country present to us any prospect of removing our national evils, variant from that pointed out by the constitution, in a peaceable and religious exercise of all our rights and privileges, as freemen, in the choice of the first magistrate in the union.

What, then, is the history of these decrees, in relation to the political and commercial interests of these states? Considering the many engines and vehicles of power and influence, which have been made use of both at home and abroad, for years past, for the delusion of the people of these states, separated from the scene of action some thousands of miles, actively engaged in their respective pursuits, and actuated by a variety of interests, prejudices, and passions, we cannot be surprised to find many well-meaning men easily imposed on, and but little acquainted with the true character of the French nation and its ruler, with his retaliatory decrees, or, using his own language, with his laws of nations, nor their baneful influence on the commerce of the United States. His public professions for the freedom of the seas; his juggling with our ministers, and the different characters he has played by his minions, since the adoption of these decrees, sometimes by promises, and at other times by threats, certainly was calculated to promote that kind of imposition. But there is no portion of our community who have taken the trouble to travel over the history of France, and explore the windings of this juggler, his legerdemain conduct in the management of all foreign relations, but must know that he has been a primary cause in conducting the United States into their present state of a ruinous war, and that he is, at this moment, assiduously engaged in forming the groundwork of a continental alliance, which never can be brought about without effecting the destruction of our republic. Sooner shall the Leopard change his skin, or the Ethiopian his complexion, or nature her laws, than this exotic system of morals and policy shall harmonize with the religious and republican institutions of these states.

At this advanced stage of a war, which has desolated the continent of Europe, it is not necessary for me to draw a comparative view of the belligerents; on this subject the world will judge. Certainly the aggressions of one nation to her innocent neighbour, can never justify another to follow the example. The first measure complained of by France, and on the basis of which, she predicated the justification of her decrees, was the



British system of blockade, which was the natural consequence of her superior dominion on the ocean, a right, till now, sanctioned to all maritime powers by the laws of nations. Without pretending to detail anew this arbitrary code of plunder, I will notice but one article, which appears to form its pretext, and which is couched in the following language: "That England extends to ports not fortified, to the harbours and mouths of rivers, the right of blockade, which, according to reason and the usage of civilized nations, is applicable only to strong or fortified ports;" as well might the British nation pretend to prescribe to the French a system of military operations in besieging those several towns, cities, and castles, which she has reduced during the present war, regulating the number of troops and degrees of military strength which she ought to bring into action; by this I mean a discretion over her military arrangements, without going into the merits of her usurpations. If the British nation have adopted a system of blockade incompatible with her maritime strength or arrangements, this goes to the policy of the measure as to herself; without questioning her right as to other nations.

Again: If England has adopted, by sea, a system of blockade incompatible with her physical strength or arrangement, (for this is the great charge against her, and the ostensible cause of the Milan and Berlin decrees,) however justifiable her enemy might be in following her example on the same element, without the aid of a single vessel to support her, and however this conduct might be considered as a measure of retaliation *par pari*, certainly this never could justify a system of laws, warranting the invasion of the sacred rights of liberty and property of individuals; of rapine, plunder, and confiscation, hitherto unheard of in the history of the laws of nations. Before the adoption of the Milan and Berlin decrees, who has ever heard, in the history of men or nations, of a land blockade, subjecting the warehouses and private property of all kinds belonging to individuals, to confiscation; using the language of the decrees,\* as prizes of war, of a system of hostilities; to seize the citizens and subjects of an enemy as prisoners of war, without the allegation of any crime, or giving them a reasonable time to depart with their goods and chattels? To use the language of Vattel on this subject, "the sovereign declaring war can neither detain those subjects of the enemy who are within his dominions at the time of the declaration, nor their effects. They came into his country on the public faith. By permitting them to enter his territories, and continue there, he tacitly promised liberty and security for their return. He is

\* See the Milan and Berlin decrees hereto annexed.

therefore to allow them a reasonable time for withdrawing their effects, and if they stay beyond the time prescribed, he has a right to treat them as enemies, though as enemies disarmed. But if they are detained by insurmountable impediments, as by sickness, then, of necessity, and for the same reasons, a longer time is to be granted them at present ; so far from being wanting in his duty, humanity is still carried farther, and very often the subjects of a state against which war is declared, are allowed all the time for settling their affairs that can in reason be required. This is observed in a particular manner with regard to mercantile persons, and care is taken to make provision for this branch, in treaties of commerce. The king of England has done more than this ; his last declaration of war against France, has these words : *And whereas, there remaining in our kingdom divers of the subjects of the French king, we do hereby declare our royal intention to be, that all the French subjects who shall demean themselves dutifully towards us, shall be safe in their persons and effects.*”\*

I have thought proper to make those few remarks in relation to the Milan and Berlin decrees, not so much to meet any plea offered in justification for the invasion of our neutral rights, for no solid one has ever been offered ; but, in a great measure, to remove every kind of argument which could sanction their adoption.

Now, there existing no good cause, either in reason, in justice, or the laws of nations, to sanction the origin of these decrees, let us now examine into their effects on our commerce.

Notwithstanding the British system of blockade was calculated to curtail the commerce of France, still, not more so than might be expected from the superior power of the former on the high seas ; nor can it be forgotten, that at that time, the commercial state of our country was comparatively great, nor was the decrease of it perceived, till the adoption of these obnoxious edicts—edicts, which have consigned so many of our citizens to confinement, and so much of our property to the flames and confiscation—edicts, which have laid an example for the British nation to the adoption of a retaliatory system which has shut us out from the ocean.

Such was the operation of the Milan and Berlin decrees on the commerce of the United States, preceding the existence of the orders in council, an interval of nearly twelve months ; and such have been their effects ever since with little interruption. On *these* I shall make no comments ; they have laid the foundation of a war between the United States and the British nation, which, I hope, both countries will soon bring to an honourable ter-

\* See Vattel.

mination. In giving the reader the history of the outlines of the Milan and Berlin decrees, I cannot pass by the countervailing system of our administration, which followed in the order of succession, being connected with our Chinese system of policy ; I mean the embargo of 1808, a system too deeply felt by all classes of the community, to be soon forgotten ; a system memorable in the annals of the American people for political imbecility and national demoralization :—commerce ruined, our seamen driven into foreign service for want of employ ; seamen, perhaps, at this day engaged in a service opposed to their own flag ; a system peculiarly calculated to hold out every inducement for the commission of frauds and perjuries against the revenue of the United States. In order to prove this fact, we need only recur to the state of the Canadas, enriched by the trade of the St. Lawrence, and the maritime coasts of our seaports full of condemnations and forfeitures incurred by that obnoxious system. I cannot dismiss this part of my subject without noticing the patriotic sentiments of the brave and ever distinguished hero of Tripoli to his townsmen, in relation to it and its ruinous policy : “ Lift the embargo,” says this immortal hero, “ and leave commerce to shift for itself, and in spite of the imperial decrees, we have open a vast field for the display of this enterprise. We have the British ports every where ; Portugal and Spain ; the islands of Minorca and Majorca ; the whole of the Turkish coast up the Mediterranean, except Algiers ; the entire western and southern coasts of Africa ; the borders of the Red Sea, India and China ; Madeira, Teneriffe, and the Azores ; most of the rich islands of the West-Indies ; the Spanish and Portuguese coasts of South America ; the whole American coasts of the Pacific ocean ; and, which is more important, our own coasts and our own fisheries, comprising more than four-fifths of the commercial coasts of the four continents, and productive islands of the seas : Shall we forego all the advantages which could be derived from these sources of wealth, from the decrees of an adventurer, who has grown potent from incident, and whom the justice of heaven will throw back to impotence on his native island of rocks and sterility ; a mighty man of valour, who dares not send a bomb-ketch to sea through the dread of his enemy. Such humility is too degrading to the feelings of brave men and honest Americans.” On the demise of the embargo law, the non-intercourse act came into existence, which I shall notice in due time.

I now resume the subject of the Milan and Berlin decrees, in order to satisfy the reader by official documents, now before the public, of the determination of the French to lead us into our present state. The unjust means they have made use of for that purpose, and their influence on our national



councils in the accomplishment of their object. The reader will recollect that soon after the failure of our embargo law, a public resolution was published holding out an amicable inducement to the belligerents to take off their restrictive systems, dated 1st of May, 1810. This resolution declared, that every part of our restrictive measures should cease to operate against that nation, which first showed us an amicable example by removing all embarrassments and restrictions from our commerce, before 3d of March, 1811. It will not be forgotten that France soon after pledged herself, as a nation, to remove her decrees before that period; and that England promised to follow her example. That after their repeal was formally announced to the President of the United States, every part of the non-intercourse act immediately ceased in its operation against France. Out of these national arrangements has arisen that great question which has hitherto occupied so much of the public attention, both at home and abroad, whether the French nation had rescinded her decrees before the 3d of March, 1811, and acted with good faith to the United States? From the official communications which have come before the public, and on the evidence of which we ought to judge, I think the presumption to be irresistible to every candid mind: 1st. That these decrees were in existence at that period. 2dly. Supposing that fact to be as it may, that on that occasion, France has acted with bad faith to the United States, so much so, that it would be more honourable to the government of that nation to acknowledge the fact, than deny it; is not the presumption of their existence fairly to be adduced from a failure on the side of France, to produce the repeal? Was it not her duty, and in her power to do it? Notwithstanding an elapse of several months, a volume of communications between the two countries on this subject, and of its great importance in the adjustment of our differences with England; strange to be told, this instrument never has made its appearance before the American people, antecedent to the late declaration of war; would it not be more honourable to confess her fraud, in relation to the repeal of these edicts, than continue an unparalleled system of outrage on our commerce; to which nothing could give any justification than their existence? Would it not be more dignified to confess the first wrong, than deny it by the commission of another? The policy of the French government in holding out an appearance of the repeal of their edicts to the United States, has been proved by the result, to make an experiment of engaging us in a war with England, and in failure of which attempt, to retain in herself a kind of discretion, either to avow, deny, or modify those decrees according to circumstances, and as might appear most convenient to her interests. Indeed, whether we

consider the manner in which the information was given of this act, or the subsequent official communications disavowing it, or the failure of the government in giving publicity to an act so important, both at home and abroad ; or the amazing mass of our property seized, condemned, and burned, since the reputed time of their repeal ; it is difficult to say which affords most proof of their existence subsequent to that period. If the Milan and Berlin decrees, forming the fundamental laws of the French empire, had been annulled before the above period, ought not the edict, or law be published for the benefit of her own subjects ? Ought it not for the use of her own prize courts, and for that of the commanders of her own cruisers, as a rule for their government ? Ought it not, for the satisfaction of the United States, who have suffered so much under their operation ? If such had been the fact, is it to be presumed that the French cruisers would capture and seize our property contrary to the imperial laws ? Or her judges condemn it on the basis of laws which had no existence ? Certainly not. And notwithstanding the avowal of Mr. Pinkney to Lord Wellesley, of the repeal of those edicts, still, in all this subsequent correspondence of many letters, the idea is disavowed.

The first information we have on this subject is couched in a letter from Mr. Pinkney to Lord Wellesley, dated the 25th of August, 1810, informing him of the receipt of a letter from General Armstrong, minister at Paris, bearing date the 6th of that month, which announced to him the revocation of the Milan and Berlin decrees in the following words : “ Je suis autorisé à vous déclarer, Monsieur, que le décrets de Berlin et de Milan sont révoqués, et qu’à dater du 1er Novembre ils cesseront d’avoir leur effet.”

What are the subsequent communications relative to this repeal ? Mr. Smith, in his answer to Mr. Pinkney on this subject, of the 19th of October following, tells him he has received his newspaper statement of a letter from the Duke of Cadore, notifying a repeal of those decrees, and in almost every other official letter the repeal is unsanctioned and unsupported. In the same letter Mr. Smith informs Mr. Pinkney, that General Armstrong made to him no communication at that time, on that subject.

Again : In a letter from Mr. Smith to General Armstrong, of 5th of June following, he speaks of the repeal of those decrees in a prospective view. Using his own language : “ He had not obtained an acceptance of the condition on which the French Government *was willing* to concur in putting an end to all edicts of both belligerents against our neutral commerce.” And in another part of the same letter, Mr. Smith considers the repeal as a contingent thing. Speaking of the non-intercourse law, he



tells General Armstrong his opinion in relation to the repeal of those decrees, in an unequivocal manner, in the following words : " Among the documents now sent is another copy of the act of congress, repealing the non-intercourse law, by authorising a renewal of it against Great Britain, in case France *shall* repeal her edicts."

Again : what is the language of Mr. Munroe in his instructions to Mr. Barlow on this subject, of 26th of July, 1811 ? " Is it free from doubts," he says, " although such is the light in which the conduct of France is viewed, in regard to the neutral commerce of the United States, since the first of November last, it will, nevertheless, be proper for you to investigate fully the whole subject, and to see that nothing has been, or shall be omitted on her part in future, which the United States have a right to claim." Mr. Barlow, in his letter to Mr. Russel of 2d March, 1812, says, " It seems, from a variety of documents that I have seen, and among others, the decision of Sir William Scott in the case of the ship Fox, that the British government requires more proof of the effectual revocation by the French government, of the Berlin and Milan decrees." Again : Mr. Barlow, in his letter of 22d of said month, to the Duke of Bassano, remonstrates against French outrage on our commerce, by the burning and destroying our vessels, not only in violation of the Milan and Berlin decrees, but of the usages and customs of civilized nations.\* With these proofs, I leave the reader to judge of the repeal of these decrees before the 3d of March, 1811.

Presuming that I have adduced sufficient proof of the existence of the Milan and Berlin decrees, long subsequent to the period in which they have been stated to be repealed, from the many official communications disavowing the fact, from the failure of the French in their publication, as well as the quantity of American property which has been seized, burned, and destroyed ;† I say, from all these circumstances, presuming on their existence subsequent to 13th March, 1811, I will now submit to the consideration of the reader a few remarks in relation to two other decrees, of posterior date, under the operation of which, it is sometimes said, that the greater part, if not all of our property has been condemned since that period ; these are called the Bayonne and Rambouillet decrees : and for what purpose are these decrees set up as a plea ? Is it to justify the fraud ? No ; because no justification can be offered. Is it to give a better sanction to these decrees ? No ; for, if possible, they are more unjust : because the former decrees found some sanction or colouring in the measures of England against us, but these

\* See the official correspondence hereunto annexed, from the 25th of August. 1810, to the 12th of March, 1812.

† See Mr. Barlow's letter of 12th of March, 1812, to the Duke of Bassano ; also, the communications of Mr. Russel, on the subject of French captures, burnings, &c. &c.

have no other pretext but our own measures of defence.—What then? It was (*per fas, aut nefas*) to get us into a war with England by showing the compliance of France with these conditions, which were to be the *sine qua non* of peace. It was to give our administration some kind of a sanction to justify themselves to the people of the United States for commencing our present state of hostilities against the British nation, the result of twelve years hard labour of the French government.

The first of these is called the Bayonne decree,\* and is said to take its sanction from our restrictive system of 1808, commonly called our embargo law, in an usurpation of the sovereignty of the United States, by a seizure and condemnation of all American property floating on the ocean, amounting to some millions of dollars. A vast number of American vessels, engaged in lawful voyages, on their return home, and which could not be in any manner affected by the embargo law, were seized, carried into French ports, and condemned as good prizes under the construction of the Bayonne decrees, on the presumption that they were English vessels, or if not English, they were American, which were violating the laws of their own country.

But of all decrees under which the French nation have claimed a sanction for the commission of outrage against reason, law, and justice, was the Rambouillet decree;† and had we but the etymology of Dean Swift, I am sure it would be that of plain robbery. This decree was intended, and did make a general sweep of all American property within the reach or control of the French government, which was found in France or the dominions of her usurpation. It was enacted the 23d of March, 1810, and had a retrospective operation to the 20th of May, 1809, with a view of making a *good haul*; nor had it any other plea or sanction for its defence than our non-intercourse law: this is called, by the French government, the law of reprisals, though it is well known in the 1st place, that the non-intercourse law was a system of self-defence; and, 2dly, That no French property was condemned under its operation. Had we not a right to regulate our own commerce, and for that end adopt such restrictive systems as we deemed most prudent and expedient? And in doing so, what have we done to France to justify her to seize our property on the ocean? What to justify her to condemn and place in her treasury the property of American merchants, transported to France on good faith, long before the existence of the Rambouillet decree? The seizure of the property of individuals, under such a plea, has no better basis to support it than

\* See the Bayonne decree, hereto annexed.

† See the Rambouillet decree, hereto annexed.

that of outrage, rapine, and plunder, unexampled in the history of men or nations : 1st. Because every nation has a right to make such regulations as are necessary for her own safety, happiness, and defence. 2dly. The private property of individuals ought to be sacred. 3dly. Because the Rambouillet decree has had a retrospective operation. With the exception of those countries which are bound to his yoke or chained to his car, what nation has suffered more indignities, or been laid under a heavier contribution by the ruler of France, to the support of his continental system; than the United States?

In the year of '98 and 9, Messrs. Gerry, Pinckney, and Marshal,\* were refused an audience, and treated with the indignity of vassals, owing to their resisting the overtures of bribery and corruption; though their mission was for the adjustment of claims to the amount of millions. In the treaty of 1800, these claims were excluded.

In 1803, fifteen millions of dollars were paid to the French nation on the score of settling some difference in relation to the boundaries of Louisiana, which originated with themselves, for indeed the territory can never be of much, if any, use to the United States.

Under the Milan and Berlin decrees of 1806, we have been plundered of millions of property.

Under those of Bayonne, in 1808, we have been robbed of enormous sums; and in 1810 under the sanction of the Rambouillet decree, all our property, which has either come within the reach of French cruisers by sea, or her control by land, throughout the continent, has been swept from us, by a general seizure and condemnation; so that, on a moderate calculation, we may say, within bounds, that one hundred million of dollars would not indemnify the merchants of the United States, for the spoliations, rapine, and plunder, committed on their property, by the government of France during her present war; and we shall have great reason to thank Heaven, if our once happy country, ere long, is not chained in a continental alliance; if French mercenaries do not soon, like locusts, swarm over our land, to poison the minds of our families, and the rising generation; I mean those mercenaries who have so long derived their nutriment from plunder and human blood—nay, if our national destinies are not already fixed. When I mention French mercenaries, I mean no reflection on a nation once so distinguished for gallantry, urbanity, and politeness of manners, and who, individually, have so many claims on our community for honour and respect, both on account of their private and public virtues,

\* See the communications of Mr. Gerry, hereto annexed.



but those who have distinguished themselves by crimes not more odious to Americans than Frenchmen ; I say, those who have waded in the blood of the best men of that country to power, nay, that ruler, whose ambition the empire of an entire world could not satisfy.

By way of extending the chain of my argument on the subject of French influence, I pass over from the decrees, to the affairs of Spain, a nation whose misfortunes and oppressions form a memorable epoch in the annals of the world ; for her noble defence of herself, her legitimate rights, and her altars, against tyranny and usurpation ; nor can the faithful historian separate from that epoch, the policy of our administration in their relations to France, without deviating from the strict rules of truth and justice. Connected in the straight line of French influence, the first public act of our administration, in relation to Spain, was the recent denial of her legitimate powers in the United States, owing to her misfortunes and oppressions : the policy of this act was evidently to widen the door of national dissention between the two countries, already opened by the sale of Louisiana—a policy which removed from Spain every kind of option of amicably adjusting and satisfying our claims—an option, rarely, if ever, denied to any individual country or nation before that period. Is not every individual, and every country, by the laws and customs of civilized life, entitled to an amicable imparlance, before an appeal is made to arms ? Is not every offender against the laws, entitled to a trial ; and is not his innocence presumed before he is found guilty ? Was not the Spanish nation entitled to this alternative ? Has this right not been extended to the belligerents of Europe for years, and until the vitals, the treasury, and patience of our country were exhausted ? Are not self-government and self-defence the inalienable rights of every country ? Is not this a fundamental axiom of our government ? If so, the inherent and legitimate rights of the Spanish nation, could not be impaired by the pretensions of a usurper, nor the exile of her king, nor by the change of her mode of government. Supposing the people of Spain should say, we wish to be governed by a king, a junta, or a cortes, does it remain with any other country to deny their right, or disavow their legitimate powers ? Again : If the wars of Spain arose from divers pretensions, emanating, in some measure, from the same legitimate source, then, indeed, there might be some plea for a disavowal of the national powers, till the legitimate rights were settled. But is this the case of Spain ? Certainly not. The ruler of France is by birth a Corsican ; he has no pretensions of alliance either with the Bourbon race, or the Spanish nation : Does our alliance with Spain diminish by her misfortunes,

or our obligations grow less by her oppressions? Ought we not, in the language of the Tyrian queen, to the disastrous Trojans, hail them as our brethren, struggling in the same cause, and say, we who have once suffered by misfortunes do now learn to feel for the misfortunes of others? Does not every humane heart sympathize with the oppressed, and swell with indignation against the oppressor? Is not this state of national abeyance, if I may so call it, novel in the history of men and nations? Is it not inconsistent with every law of humanity? or can its policy ever be separated from a strong bias for France evidently hostile to the commercial interests of the American people? The legitimate rights and powers of Spain are inherent in her as a nation, and cannot be affected either by the exile of her king, or the influence of his oppressor; their recognition in the United States would have laid the foundation of a friendly negotiation, which would have terminated in an adjustment of all differences in both countries, cement their amicable intercourse, and in time concentrate with us a considerable portion of the trade of South America.

Before I dismiss the affairs of Spain, it may not be improper to take some notice of a kind of plea sometimes offered in behalf of France, and indirectly of our administration, that the crown was ceded to his oppressor by the king of Spain: How fatal the delusion—how unfounded the fact! As if the monarch of Spain could, without the consent of the people, transfer their legitimate rights, as a grocer would a barrel of sugar or a cask of wine. This idea is too vague to gain any credit, and the doctrine of transfer too absurd to require any serious refutation, even in the meridional days of fealty. Though William of Normandy came to England by an invitation of the people, and made his way to the crown by conquest, still a convention of the barons was deemed necessary to give a colouring to his title. And Cromwell, with all his influence and power, never dared to assume the title of king in that country. Let us suppose, for the sake of argument, the fact to be so, still the transfer must be null and void, for two reasons: 1st. Because it was made under the influence of duress; and 2dly. Because the right of transfer remained not in the king, but the people.

The legitimate rights of self-government and defence are the inherent and inalienable rights of the Spanish nation; rights which their Numantine ancestry so bravely defended against the Roman arms; rights which they have so nobly sustained in blood, in slaughter, in fire and sword; rights, for the maintenance of which, trusting to the justice of their cause, and the brave and magnanimous of all nations, by the aid of Divine Providence

they will ever maintain, defend, and support, against the tyrant of the world, and the oppressor of man.

In this happy land is the cause of freedom and independence entirely forgotten, or its effects buried in the tomb of oblivion. In the affairs of men and nations, is there no difference in the cause of the oppressors and the oppressed? In these United States shall the time ever come when the faithful historian shall tell posterity, that in the sunshine of freedom, there has existed an æra which has countenanced oppression against a brave people bleeding for their rights? Or that a tyrant's hand could influence the public measures of a free and enlightened people?

We are now come to our restrictive measures of policy, commonly called our non-intercourse act, memorable in the annals of eighteen hundred and ten, and our embargo system of eighteen hundred and twelve, to distinguish it from the act of eighteen hundred and eight. Let the object of these acts be what they may, whether as the means of preserving our property from seizure and condemnation, or the precursors of our present war, or both, as to their ultimate effects on the affairs of our country, time only can determine. Certainly, at this moment, so far from holding out to us any prospect either favourable or auspicious, they appear not only abortive, but adverse to the interest of the United States; because, in the first place, they have been the efficient cause of draining the country of the means of carrying on a war; and in the second place, they have locked up those means in the hands of our enemies. It is well known that the mercantile anticipation of the embargo law has exhausted all the towns and cities on our seaboard, from the Province of Maine to Georgia, of all their provisions by shipments made to Spain and Portugal, and that these shipments have been generally sold for bills drawn on English merchants: that all these, and other funds, belonging to the United States, amounting to several millions of dollars, are now locked up by virtue of the non-intercourse law; and on the event of returns made by the English merchants are subject to the seizure and condemnation of the British government by the laws of war. The repeal of the orders in council, which was well understood in both countries, to remove all our restrictive systems against the English commerce, has and will tempt many English merchants to avail themselves of an early opportunity of sending home our mercantile property, which must inevitably be lost, or forfeited, in consequence of the premature warlike position we have taken. If it should escape the British cruisers, it is forfeitable to the United States; so that by our political arrangements, our sinews of war have got into the possession of the very nation against which we have taken an hostile attitude. From all the public communications which have passed on the subject, have not the merchants of



England a right to presume our restrictive system removed, and the ordinary channels of our trade opened? Are they not justifiable on the basis of this presumption to lose no time in making shipments to the United States?

In this national state of things, of peace and of war, of right and of wrong, of even and of odds, we have the mortification of seeing our country in a state of war, and our means of carrying it on in the hands of our enemy, and the funds of our merchants liable to be forfeited by the laws of war, or to the United States, by virtue of our restrictive system. Situated between Scylla and Charybdis, there is no escape for the merchant.

And what renders the conduct of our administration still more singular is, that they have been deciding on war measures at a period almost correspondent with the revocation of the orders in council, when the English nation were engaged in promoting the measures of peace. Why this hurry or precipitation? Did the peculiar state of our country require it? Was our country threatened with danger or destruction? Were any of our rights at that particular moment invaded? Have not our differences with the belligerents been a subject of negotiation for years? Have we not waited for the *Hornet* nearly eight months, at an enormous expense, and what news has she brought but promises? Do not the journals of congress prove, by the many efforts made for a recess, in order to obtain the voice of the people on the subject of war or peace? do not those records show the sentiments of Congress nearly balanced on this subject? And how has the scale been turned, whilst the destinies of our country were thus poised? Was there no undue influence made use of to defeat every proposition of adjournment, in the discussion of the subject of war? Have not piles of petitions daily poured into the walls of Congress remonstrating against it? Had the representatives of the United States, by a recess of Congress, an opportunity of consulting their constituents during the last session, and expressed their unbiased voice, instead of war, at this day, we should see the happy effects of peace, agriculture, and commerce, every where diffused throughout the states. Have the English nation ever refused to remove her orders in council, whenever they obtained a satisfactory proof of the repeal of the French decrees? Have they not repeatedly demanded this proof? Have they not passed a declaratory act on this subject? And whenever the French act actually made its appearance, have they not acted with good faith to the United States? Let us examine the answer of Lord Wellesley

to Mr. Pinkney's letter on the communication of the repeal of those edicts.\*

Let the object of our administration be what it may, in involving their country in this novel kind of war, certainly there are few, if any, precedents to be found in the annals of history to give it sanction. The honour of a free and independent nation should be established on the basis of an honourable war ; its policy ought to be liberal and dignified ; the rights defended on that element where they have been assailed ; and the means employed ought to be equal to the ends. Of the liberal policy of our maritime power and warfare, we have given the world a liberal example, in capturing an old widow-woman, her children, and a few barrels of fish.† After an obstinate engagement, and a display of much national bravery on both sides, without the loss of a single life, the old widow struck her colours, and was conducted to New-York with her children and fish, as a good prize, according to the laws of war. The most favourable result we can expect in our system of warfare, is the capturing of some merchant-men, perhaps the property of some honest traders who have never injured us ; what kind of impression can this make on a nation commanding the ocean, or what real advantage to the real interests of the United States ? Supposing we had Canada, at this moment, in our possession, (the conquest of which must cost the U. S. more blood and money than it is worth, and we know it cannot be garrisoned without considerable expense,) what should we do with it ? Should we attempt to reduce it to a province ? This would be incompatible with the genius and principles of our government ; nor would the inhabitants submit to such a condition. Should we attempt to make a distinct republic of it ? It would be unequal to its own defence. Should we

\* *Lord Wellesley to Mr. Pinkney.*

Foreign Office, August 31st, 1810.

SIR,  
I have the honour to acknowledge the receipt of your letter, under date of the 25th instant.

On the 23d of February, 1808, his majesty's minister in America, declared to the government of the United States, " his majesty's earnest desire to see the commerce of the world restored to that freedom which is necessary for its prosperity, and his readiness to abandon the system which has been forced upon him, whenever the enemy should retract the principles which had rendered it necessary."

*I am commanded by his majesty to repeat that declaration, and to assure you, that whenever the repeal of the French decrees shall have actually taken effect, and the commerce of neutral nations shall have been restored to the condition in which it stood previously to the promulgation of those decrees, his majesty will feel the highest satisfaction in relinquishing a system which the conduct of the enemy compelled him to adopt.*

I have the honour to be, with the highest consideration, sir, your most obedient and humble servant,

(Signed)

*William Pinkney, Esq.*

WELLESLEY.

† A small vessel, called the *Industry*, was lately taken as a prize by the privateer called the *Benjamin Franklin*, having on board an old widow woman, owner, and her family, with a few barrels of fish.



join it to our confederacy? This would be incompatible either with the energy of a republic, or the salutary operation of the laws. Perhaps, after a seven years war, and the loss of much blood and treasure, like the conquests of Frederick, we would be glad to get rid of it for one third of what it cost us. With these observations, comprising an historical sketch of the political conduct of the administration of our country, for nearly the period of twelve years, we leave the reader to judge of French influence in the United States; of the treatment of our envoys; of the capturing, plundering, and burning of our vessels; of the confinement of our seamen; of draining our treasury; and finally, of involving our country in a war, in our present unprepared situation. I will now proceed to the illustration of my two other propositions.

That a continental alliance with France, at this time, is incompatible with the political safety of our country, and that all cause of national gratitude to that country, has long since ceased.

On the event of such an alliance, what are the prospects of the United States, respecting those rights which were purchased by the blood of our ancestors, of liberty, of property, of life? Let the French arms make what impression they may on the British nation, still this could have no other effect on the destinies of the United States, than of chaining them to her continental system of bondage. In the first place, the ruler of France, availing himself of that appearance of friendship, under the mask of which he has annihilated all the republics of Europe, would exact of us a continental contribution, and lead us into his continental system; and certainly, considering the extraordinary acts he has hitherto performed by extraordinary means, there is nothing unreasonable in the anticipation of such fears and dangers: On the event of such an alliance, he would lay his pretensions to a portion of our aid, to support him in carrying on a war, which contemplated the restoration of our maritime rights—in his own language, the freedom of the seas. Would there be any thing more extraordinary in his insisting on such a demand, than many others which he has exacted of other nations? Would it not be more plausible and consistent with the laws of nations, than those sums which he has robbed our citizens of by sea and by land, under the sanction of his arbitrary decrees—than the large sums which he has obtained from our treasury by management? By such an alliance, what are we to gain? Are there any of our national rights which he can protect on that element where they are invaded? Where is his strength on the ocean? Again: This mask of friendship would afford him a pretext of

overpowering our country with his military troops, bred to arms and to plunder, like the Norman armies, transported into Britain, or his own armies into Spain, under the pretext of supporting the laws and settling our intestine divisions ; they might be transported in thousands, and, perhaps, at some period of time, give us a Norman conqueror. I wish not to prophesy ills, but the progress of French arms on the continent of Europe, the manner of effecting her conquests, her intrigue and management both at home and abroad, and her conduct to ourselves, added to the unbounded ambition of her ruler, warrant us to dread her as an ally, and guard ourselves against future evils. But let us suppose that the result of this alliance was to effect the downfall of England and her dominion on the ocean ; what would be the situation of the United States, in relation to her neutral rights and forms of government ? Where is our security ? Is it in the arms of France, or her ruler ? What protection can we expect of him for our rights, who has long since banished all kind of freedom from the continent ; who has never observed good faith with any country, nor regarded any principle of morals either sacred or divine ? What species of freedom can we expect of him, who reduced within his grasp, France, Italy, Switzerland, Prussia, Holland, Germany, with parts of Portugal and Spain ? Will he observe more moderation by sea than by land ? Will the nature of the element change his character, moderate his ambition, or soften his tyrant heart ?

What a noble umpire for adjusting the freedom of the seas ! From such umpirage, and such kind of freedom, may heaven, in its infinite mercy, protect the American people and the civilized world. On such a deplorable event, all rights, all laws, and all governments would yield to the ruler of France, and the tyrant of the continent. Like Alexander, he would weep because he had no other world to conquer.

These are the considerations which induce us to believe that a continental alliance is incompatible with the interests and safety of the United States. It now remains for us to make a few remarks on the old and trite plea of national gratitude, for those services rendered us by our faithful ally, the king of France, during the late revolutionary war, as if the murderers of that ill-fated monarch, or the usurper of his crown, could have any just claim or pretensions to his merits ; how fatal the delusion—how fallacious the reasoning—how unfounded the claim ! Our national obligation to that country has long since ceased by the death of her king. Our late war cost him his life : those troops which he sent to promote the American cause, returned with those revolutionary principles which effected the destruction of himself, his throne, and his family. It was from the king of France we obtained the assistance ; it was to him the

national obligation was due, and by his death the national obligation became extinct ; indeed, if we consider the policy which directed that monarch on that occasion, and the intentions of the donor, a just rule for the measurement of gratitude, there could be but little due to the monarch himself. The policy of the donation was to weaken England, and not promote our cause. The king of France, though a good man, was not a republican in principle, nor could he have any other object in view, in assisting the American cause, than that of weakening his enemy. On the principles of policy alone, he co-operated with the American people in establishing their independence.

I now proceed to my 3d proposition, to show, that a northern policy of agriculture and commerce is the true policy of the United States ; and that nature and art have, in a great measure, destined the northern states for the pursuits of the latter. So far from entertaining the least disposition of encouraging or enlivening those jealousies which have so long existed between the northern and southern states, we wish to see them removed ; the interests of both are respectable and important on the scale of the union ; but in forming a comparison, we cannot be surprised to find the preponderance, whether we consider the situation, the clime, or civil institutions ; on the east and north of those states, the people early settled on the seaboard ; they soon became accustomed to commerce and the arts, and their political institutions were well calculated to promote a spirit of enterprise, with a general diffusion of knowledge. To the south, neither the climate nor natural advantages were so inviting or favourable for those pursuits ; there the people soon turned their attention to planting and raising such articles as were not less discouraging to population than friendly to slavery ; hence we can easily account for the overbalancing physical strength and commercial interests of the north : in order to prove this, we need only turn our attention to every part of our seaboard, nay, of the entire commercial world.

But let me now ask, where is the pretext for the continuance of this war at the present moment ? If the orders in council were the only foundation for its commencement, they exist no more ; If we are not now under the influence of France—if we are not now yoked to her continental system—if the fate of this country is not decided, why continue the effect after the removal of the cause ? If our national ends are accomplished, have we not a right to expect an immediate restoration of peace, of agriculture and commerce ? However we may appreciate our laws, constitution and government, which we are resolved to maintain, we have no hesitation solemnly to declare to the world, that we never can, nor ever will submit to any continental alliance, calculated, not only to make



us a party in a European war, but ultimately to destroy our independence, and entail slavery on our posterity. Besides, this war cannot be maintained without a revenue ; and how is this revenue to be raised ? Our loan is not yet filled up, nor is the present state of our finance equal to the ordinary expenses of government. From our foreign imposts we cannot calculate a great deal, they now nearly amount to a prohibition of the articles on which they are laid ; nor are our domestic imposts encouraging or popular : In a former administration a stamp act gave great dissatisfaction to the people, nor were they contented till it was repealed. Our whiskey tax gave rise to one or two insurrections, in which one of our French cabinet is said to have been a party. As to a land tax, it is very unpopular, and *ought* not to be resorted to, except in cases of real necessity. The farmer cannot pay it unless he can sell his produce, nor the merchant without the sale of his merchandize, nor the mechanic without vending his manufactures, nor the labourer without employment. Besides, the manner in which our war has been declared, the means of bringing it about, the removal of the cause which gave it existence, and the peculiar situation of our country ; the character it has assumed both at home and abroad, proves stronger than language can express, the invincible dispositions of the people of both countries to peace ; and instead of being appalled by those dangers, fears and alarms which are inseparable from warfare, we find them engaged in their peaceable ordinary pursuits, without any kind of interruption or alarm ; our families undisturbed ; our sea ports, though unprotected, as yet remaining sacred ; our Canada expedition in a state of amity, and our few vessels of war safe on the ocean, though in a great manner environed by our enemy. So that notwithstanding all our declarations, formulas, and fulminations, thank heaven, we are still in the enjoyment of all the blessings of peace throughout the union, saving and excepting within a few miles of the capital, where there exists a war of rebellion against the majesty of the laws and the constitutional rights of the people. The pulse of our nation is at present peaceable, her pursuits are equally so, and nothing less than the justice of her cause can ever rouse her energies into action ; she justly appreciates her rights, and is always ready to avenge her wrongs, but will never hazard her safety with a military despotism. By rescinding the orders in council subsequently to the publication of the Milan and Berlin decrees, the conciliating disposition of the enemy, and the pacific character which the war has assumed both at home and abroad, the policy of France is now defeated, and the period cannot now be far distant when we shall see the natural channels of trade opened, and our commercial enterprise reinstated and flourish throughout the union. Let us only suppose that we had taken our present hos-

tile position against France, possessing the maritime powers of England, what would be our situation, of our seaboard, of our cities, of our towns, of our families, of our sanctuaries, of our altars ; judging from the history of continental Europe, certainly we could not flatter ourselves with the hopes of escaping from the ravages of war, from the dangers of French arms, rapacity and plunder.

Edmund Burke has prophesied the destruction of the liberties of France, and another great man has admonished the people of the United States to guard against her principles, influence and intrigue, as highly dangerous to our moral and political institutions. We have seen the prophesies of the former fulfilled, and experience has taught us ever to respect and venerate the admonitions of the latter.

Having taken this summary view of the three propositions, which we have promised to prove, of French influence in the United States, of the dangers of a continental alliance with that country, of the expediency of adopting a northern policy of peace, agriculture, and commerce, what now remains but to submit to the reader the policy of committing the helm of government in the hands of some individual of energy, talents, and virtues equal to its management, by an amalgamation of all parties in the union friendly to this peaceable and prosperous policy for which nature has destined those states.

Could we but call up from the grave, or rather invite from the mansions of bliss, our Washington and Hamilton, there could be but one opinion amongst the American people as to this choice. We said from the mansions of bliss, because they were inseparable on earth—they are so in Heaven : the goddess of discord would vanish, and we would soon have a revival of our golden age ; but in this life they exist no more ; their destinies are fixed in a better world, and like orphan children we were left to mourn. When it pleased Heaven to remove Washington, Hamilton was left : in the loss of the father there remained a consolation and hopes in the son : but when Hamilton was removed, the nation was left without hopes or consolation : in his fall she lost her intrepid soldier, her incorruptible patriot, her profound statesman, her brilliant advocate, and her best friend. Like the young Pollio, he died soon, the hopes and admiration of the American people. The Romans lamented the loss of Pollio from the hopes of his future greatness ; whilst the virtues of Hamilton had engraven on the hearts of the American people his memory in characters more durable than marble or brass : in spite of time and mortality, which bury all earthly things in the tomb of oblivion and of death, he lives in the memory of a grateful people ; and our national misfortunes, instead of obliterating his name, like the shades of a fine portrait, only tend to brighten

his virtues in the annals of the American empire. Pollie died by the hand of death, a source of great consolation to the Roman people, whilst Hamilton fell by a ruthless hand, a victim of disappointed ambition, now marked and punished with the indignation of the new and the old world—a criminal ambition, levelled with the dust, and like the fall of Lucifer, never to rise again.

In vain do we look to the north, the south, the east, and the west, for a Washington, for a Hamilton!—In vain for their principles, without their firmness, energy, and decision of character. A great general, ought not only to be equal to plan, to guide and direct an army in all its operations, but to encourage them by his example, to participate in their fatigues, their hardships, their toils and their privations, and, in short, to lead them to the field: and if we are driven to the dilemma, either to have our evils continued, or avail ourselves of such means as we can get for their removal, certainly the alternative of our choice is obvious. In ordinary occasions, it is proper to avail ourselves of our family physicians, because they have the best knowledge of our constitutions; but in desperate cases, it is prudent and wise to call in the assistance of other physicians of skill and experience, in order to the removal of our complaint. And when we consider the very critical situation of our country, both at home and abroad, environed with foreign and domestic difficulties, standing on a precipice which threatens us with immediate destruction, the indeviabale attachment of our administration to a system of politics which has been the source of all our national evils, the combination of southern and western states and interests, of local situation, of state supremacy, of office, of caucus, of court, calculated to entail on us all the miseries of a feudal system—I say, when we consider a combination of interests and influence like these, it is vain to flatter ourselves with the hopes of removing our evils without exertion, and resorting to those means which are likely to favour our undertaking, by an amalgamation of all parties and interests of the union, friendly to the restoration of peace, agriculture, and commerce of the north. On the ground of pretensions, perhaps there is no other state has claims superior to those of the state of New-York; in the scale of rotation, of agriculture, of population, and commercial enterprise; and judging from the reputation of that gentleman whom she has selected to guide the helm of government, the ability and talents with which he has hitherto distinguished himself in the discharge of many and important state offices; although we differ from him in some points, we know of no candidate, at this moment, who possesses so many necessary ingredients to the fulfilment of that office, nor more likely to attain it, than the object of their choice. We are informed, that he is an avowed advocate for the restoration



of peace, agriculture, and commerce of the north ; and that he possesses energy, talents, virtue, and information, equal to the management of the government of the United States.

We now proceed to the exposition of what is called a congressional caucus, and its effects on the rights of the people. To one who has been accustomed to examine the application and effect of a congressional caucus, no further than simply the meeting of a body, to recommend a favourite candidate to the presidential chair, this assembly would appear to be a harmless thing ; in itself, certainly it bears on the face of it nothing unconstitutional or injurious to the freedom of election ; but tracing it up to the prophesy of the Virginia convention, and the policy of the south, the various interests which it contains, forming a kind of a feudal system, it will be found an engine of power, more dangerous than is generally thought. A caucus is a congressional combination of particular states, to perpetuate the presidential power in a favourite individual of a particular state, for a succession of terms, in violation of the rights of the people. In order to bring this into maturity, there are several interests conjointly in operation, arising from local situation, from state, from office, from court, transmontain and foreign.

Have the owners of property at the city of Washington no interest in supporting and continuing in office, a president of their own neighbourhood, possessing a local bias ? Who is more likely to establish the permanency of the seat of government, so often threatened to be removed, than a southern president ?

Has not the state of Virginia, for many years, claimed a state supremacy ? Has she not manifested that spirit to a considerable degree in her convention ? Has she not given three presidents to the United States ? and have they not presided, in the line of succession, since the adoption of the general government, with the exception of four years ? Has not Mr. Jefferson given way to Mr. Madison ? Is it not contemplated that Mr. Madison is to make room for Mr. Monroe, and in the order of succession, Mr. Monroe for some other Virginian ?

Have the office holders throughout the union no interest in the support of their own patron ? Has he not removed the veterans of seventy-six, who, badly clad and badly paid, bore the bleak winds of the north, and scorching sands of the south, to establish the independence of their country ?

Have our Washington court levies no influence on our congressmen—the constant attention of the drawing room, the courtly manners of Mrs. Madison, her affability, her politeness, her elegance and her ease ?

Again : Have the western states no influence on the policy of a caucus ? Are they not considered the balancing states of the

union? Has not the present secretary of state\* in the Virginia convention, prophesied a combination between them and the southern states, calculated to usurp the rights of the people, and continue a favourite president in office for life? Have not his predictions been verified, and does he not himself now act on the basis of them? Have the French nation no influence in the councils of a caucus? Is not Mr. Gallatin a Frenchman, or what is the same, a Genevan; and has he no prejudice or partiality for his native country, and no interest in the cabinet? Is not the history of our country for twelve years fraught with French influence and intrigue? Such are the interests, and such the combination and influence, which, for the period of nearly four years preceding our presidential election, are cementing and co-operating to produce a congressional caucus.

We cannot close this treatise without dropping a tear of contrition and condolence on the fate of a country destined by di-

\* Mr. *Monroe*, after a brief exordium, in which he insisted, that on the judicious organization of the executive power, the security of our interest and happiness greatly depended; that in the construction of this part of the government, we should be cautious in avoiding the defects of other governments, and that our circumspection should be commensurate to the extent of the powers delegated; proceeded as follows:—The president ought to act under the strongest impulses of rewards and punishment, which are the strongest incentives to human actions. There are two ways of securing this point. He ought to depend on the people of America for his appointment and continuance in office: He ought also to be responsible in an equal degree to all the states; and to be tried by dispassionate judges: His responsibility ought further to be direct and immediate. Let us consider in the first place then, how far he is dependent on the people of America. He is to be elected by electors, in a manner perfectly dissatisfactory to my mind. I believe that he will owe his election, in fact, to the state governments, and not to the people at large. It is to be observed, that congress have in their power to appoint the time of choosing the electors, and of electing the president. Is it not presumable they will appoint the times of choosing the electors, and electing the president, at a considerable distance from each other, so as to give an opportunity to the electors to form a combination? If they know that such a man as they wish, for instance the actual president, cannot possibly be elected by a majority of the whole number of electors appointed, yet if they can prevent the election by such majority, of any one they disapprove of, and if they can procure such a number of votes as will be sufficient to make their favourite one of the five highest on the list, they may ultimately carry the election into the general congress; where the votes in choosing him shall be taken by states, each state having one vote. Let us see how far this is compatible with the security of republicanism. Although this state is to have ten, and Massachusetts eight representatives, and Delaware and Rhode-Island are to have but one each, yet the votes are to be by states only. The consequence will be, that a majority of the states, and these consisting of the smallest, may elect him. This will give an advantage to the small states. He will depend therefore on the states for his re-election and continuance in office, and not on the people. Does it not bear the complexion of the late confederation? He will conduct himself in accommodation to them, since by them he is chosen, and may be again. If he accommodates himself to the interest of particular states, will not they be obliged by state policy to support him afterwards? Let me inquire into his responsibility if he does not depend on the people. To whom is he responsible? To the senate, his own council. If he makes a treaty, bartering the interests of his country, by whom is he to be tried? By the very persons who advised him to perpetrate the act. Is this any security? I am persuaded that the gentleman who will be first elected, may continue in the office for life.

The situation of the United States, as it applies to the European states, demands attention. We may hold the balance among those states. Their western territories are contiguous to us. What we may do without any offensive operations may have considerable influence. Will they not then endeavour to influence his general councils? May we not suppose that they will endeavour to attach him to their interest, and support him, in order to make him serve their purposes? If this be the case, does not the mode of election present a favourable opportunity to continue in office the person that shall be president? I am persuaded they may, by their power and intrigues, influence his re-election.



vine providence for the prosperity and happiness of man; a country reduced to ruin and destruction by foreign influence and faction, possessing a territory and soil as yet unexplored, a clime calculated for almost every kind of production, a coast of nearly two thousand miles, a natural boundary against invasion, our seaboard commanding the first harbours in the world, our forests full of the materials necessary for shipping and commerce, citizens of unrivalled enterprise, numberless lakes, streams, and rivers, inviting the pursuits of agriculture and exportation of our produce. But what is the destruction of our commercial pursuits, compared with those scenes of horror and dismay which we have lately witnessed in the United States; scenes unparalleled in the history of nations, not excepting France, in the most convulsive and barbarous state of her revolution?—we mean the shameful prostration of the faithful and constitutional sentinels of the rights of the people—the liberty of speech, and the liberty of the press; mobs tolerated with impunity to rise into a state of rebellion against the majesty of the laws, in the presence of the civil authority, and almost within the view of the executive, and, with volcanic rage, to spread around them dismay, death, ruin, and destruction; our fellow citizens murdered, butchered, and mangled; their dwellings, no longer their sanctuary, levelled to the ground. In the Democracies of Greece and Rome, we are furnished with examples of mobs in times of scarcity of provisions, of oppression and tyranny; but who has ever heard of them rising in the support of government, in opposition to the laws and constitution, in a land of milk and honey? Is not our government equal to protect itself, or does it require the aid of mobs? If our administration is sound, it will bear the test of public examination, nor can it be injured by the press; if it is rotten, its impurities ought to be laid before the people. Is not the liberty of the press the unalienable right of every citizen in this country? Is not this right guarantied by our constitution? What greater security for an honest and impartial administration of political justice? What stronger barrier against human ambition? Have we not a constitution in this country for the protection of our rights? Have we not laws for the punishment of crimes? and have we not a government for the execution of laws? Have we not a system of jurisprudence established throughout the union for the trial of offences? and have not the peaceable citizens of the United States a right to presume that the outrage of Baltimore has arisen from no ordinary source or occasion?

The sudden destruction of this monster in the city of New-York, argues much in favour of the peaceable habits of the people of that place, as well as the civil authority; and in a particular manner the latter, whose energy on this, as well as other oc-

casions is highly commendable, and cannot fail to supply the future historian with materials of eulogium. With Herculean strength this monster was strangled in its birth, and it is hoped will never revive in the United States.

In this summary view which we have taken of the political state of our country, including a period of nearly twelve years, in which, we flatter ourselves, that we have not altogether failed in the performance of our promise to the reader, in exposing French influence in the United States; the many dangers of forming an alliance with that nation at this time, and the wisdom of adopting the policy of the north, so congenial to the restoration of peace, agriculture, and commerce. We now close our observations on this subject, with just impressions of the obligations due to the laws, constitution, and government of our country, which we shall never cease to support and maintain; and at the same time, with a proper sense of that solemn duty which we owe to ourselves, to the rising generations, and unborn millions, never to yield to *any* power, *foreign* or *domestic*, our constitutional and unalienable rights, the liberty of speech, and the liberty of the press.

CAMILLUS.

# A P P E N D I X,

CONSISTING OF

## SELECT PAPERS.

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### R E P O R T

*Of Mr. Pickering, Secretary of State, on the transactions relating to the United States and France.*

THE points chiefly meriting attention are the attempts of the French government:

1. To exculpate itself from the charge of corruption, as having demanded a *douceur* of fifty thousand pounds sterling, (222,000 dollars) for the pockets of the directors and ministers, as represented in the despatches of our envoys.

2. To detach Mr. Gerry from his colleagues, and to inveigle him into a separate negotiation; and

3. Its design, if the negotiation failed, and a war should take place between the United States and France, to throw the blame of the rupture on the United States.

1. The despatches of the envoys published in the United States, and republished in England, reached Paris towards the last of May; and on the 30th of that month, the French minister, Mr. Talleyrand, affecting an entire ignorance of the persons designated by the letters W. X. Y. and Z.—calling them intriguers, whose object was to deceive the envoys—writes to Mr. Gerry, and “prays him immediately to make known to him their names.”

Mr. Gerry, in his answer of the 31st, wishes to evade Mr. Talleyrand's request; and with reason, for he and his colleagues had “promised Messrs. X. Y. that *their* names should in no event be made public.” Mr. Gerry, in his letter of October 1st,

in noting the repetition of Mr. Talleyrand's request for those names, states as an objection to giving them up, "that they could be otherwise ascertained;" and that Mr. Talleyrand's messenger, admitting the fact that they were already known, immediately mentioned their names. Mr. Gerry nevertheless certified in writing the names of X. Y. and Z; with the reserve "that they should not be published on his authority:" and besides formally certifying to Mr. Talleyrand the names of his *own private agents*, added, that "they did not produce, to his knowledge, credentials or documents of any kind."—"Credentials" in *writing* were certainly not to be expected to be produced by agents employed to make corrupt propositions: but Mr. Gerry had Mr. Talleyrand's own assurance that Mr. Y. was acting by his authority. It is recited in the envoy's despatches, and upon Mr. Gerry's own report to his colleagues, that on the 17th of December, 1797, Mr. Y. "stated to him that two measures which Mr. Talleyrand proposed, being adopted, a restoration of friendship between the republics would follow immediately; the one was a *gratuity of fifty thousand pounds sterling*; the other a purchase of thirty two millions of Dutch rescriptions," and after conversing on these topics, Mr. Gerry and Mr. Y. rode to Mr. Talleyrand's office, where "Mr. Gerry observed to Mr. Talleyrand, that Mr. Y. had stated to him that morning, some propositions as coming from Mr. Talleyrand, respecting which, Mr. Gerry could give no opinion," and after making some other observations, Mr. Talleyrand answered, "that the information Mr. Y. had given him (Mr. Gerry) was just, *and might always be relied on.*" This declaration *stamps with the ministers authority* all the communications made by Mr. Y. to the envoys. And Mr. Y. himself, who is Mr. Bellamy, of Hamburg, in his public vindication, declares, that "he had done nothing, said nothing, and written nothing, without the orders of Citizen Talleyrand." The same may be asserted in regard to Mr. X. for he first introduced Mr. Y. to the envoys; and his separate communications were substantially the same with those of Y. and both together were present with the envoys when the communications were more than once repeated.

It also deserves notice, that in stating the preliminary demands of the French government, the private agents, X. and Y. and the minister, use a similar language. The agents declare, that the directory are extremely irritated at the speech of the president, and require an explanation of some parts of it, and reparation for others; that this must give pain to the envoys, but the directory would not dispense with it: and that as to the means of averting the demand concerning the president's speech, the envoys must search for them, and propose them, themselves. Being asked to suggest the means, the answer is "*money*"—the



purchase of the Dutch rescriptions, and "the fifty thousand pounds sterling, as a *douceur* to the directory."

The *minister* told the envoys, that the directory were wounded by the president's speech; and, in his conversation with Mr. Gerry on the 28th of October, said, "the directory had passed an arret, which he offered for perusal, in which they had demanded of the envoys an explanation of some parts, and a reparation for others, of the president's speech to congress of the 16th of May, 1797; that he was sensible that difficulties would exist on the part of the envoys relative to this demand; but that by their offering *money* he thought he could prevent the effect of the arret. Mr. Z. (the "interpreter") at the request of Mr. Gerry, having stated that the envoys have no such powers, Mr. Talleyrand replied, they can in such case take a power on themselves; and proposed that they should make a "loan." But this "loan," as will presently appear, did not mean the "money," which would "prevent the effect of the arret." Mr. Gerry then making some observations, on the powers of the envoys—that they "were adequate to the discussion and adjustment of all points of real difference between the two nations; that they could alter and amend the treaty; or if necessary, form a new one;" added, "that as to a loan, they had no powers whatever to make one, but that they could send one of their number for instructions on this proposition, if deemed expedient:"—"That as he (M. Talleyrand) had expressed a desire to confer with the envoys individually, it was the wish of Mr. Gerry, that such a conference should take place, and their opinions thus be ascertained." "Mr. Talleyrand, in answer, said, he should be glad to confer with the other envoys, individually, *but that this matter about the MONEY must be settled directly* without sending to America; that he would not communicate the arret for a week; and that if we could adjust the difficulty respecting the speech, an application would nevertheless go to the United States for a LOAN:" Now this matter *of the MONEY that must be settled directly*, could only refer to the *douceur*; for a loan in the purchase of millions of Dutch rescriptions, or in any other form, could only be the subject of a *stipulation* to be *afterwards* fulfilled by the United States; but the *douceur* of fifty thousand pounds sterling, was a sum within the immediate reach of the envoys; for their credit would certainly command it: in fact, a mercantile house had offered to answer their draughts: and this, Mr. Talleyrand unquestionably well knew; for it was a member of the same house who first introduced the minister's agent, Mr. X. to General Pinckney, in the manner stated in the envoys' despatches. A collateral evidence that in "this matter of the money that must be settled directly," Mr. Talleyrand referred only to the *douceur*, arises from this circumstance: The very next day

(October 29th) Mr. X. called on the envoys, and said, "Mr. Talleyrand was extremely anxious to be of service to them, and had requested that one more effort should be made to induce us to enable him to be so." After a great deal of the same conversation which had passed at former interviews had been repeated, the envoys say—"the sum of his proposition was, that if we would pay by way of fees (that was his expression) *the sum of MONEY demanded for PRIVATE USE*, the directory would not receive us, but would permit us to remain in Paris as we now were; and we should be received by Mr. Talleyrand, *until one of us could go to America, and consult our government on the subject of a LOAN.*"

Although the envoys' despatches, and the facts and circumstances herein before stated, cannot leave a doubt that X, as well as Y and Z, was well known to Mr. Talleyrand, it will not be amiss to add, that on the 2d of December X, Y, and Z, dined together at Mr. Talleyrand's in company with Mr. Gerry; and that after rising from table, the money propositions, which had before been made, were repeated, in the room and in the presence, though perhaps not in the hearing of Mr. Talleyrand. Mr. X put the question to Mr. Gerry in direct terms, either, "whether the envoys would now give the *douceur*" or "whether they had got the MONEY ready." Mr. Gerry, very justly offended, answered positively in the negative, and the conversation dropped.

Mr. Z, who has avowed himself to be Mr. Hauteval, was the person who first made known to the envoys the minister's desire to confer with them individually, on the objects of their mission: He it was, who first introduced Mr. Gerry to Mr. Talleyrand, and served as the interpreter of their conversations: and in his letter to Mr. Talleyrand, at the close of Mr. Gerry's document, No. 35, he announces himself to be the agent of the minister, to make communications to the envoys.

Mr. Hauteval declares "his sensibility must be much affected on finding himself, under the letter Z, acting a part in company with certain intriguers, whose plan, (he says) it doubtless was to take advantage of the good faith of the American envoys, and make them their dupes:" yet this person the avowed agent of the French minister, apparently so anxious to screen himself from the suspicion of an agency in soliciting the bribe required by Mr. Talleyrand, did himself urge a compliance with that corrupt proposition.\*

\* Extract of a letter, dated June 15th, 1798, from Mr. King, minister of the United States in London, to the secretary of state.

"Colonel Trumbull, who was at Paris soon after the arrival there of the commissioners, has more than once informed me, that Hauteval told him that both the *douceur* and the *loan* were indispensable, and urged him to employ his influence with the American commissioners to offer the *bribe* as well as the *loan*."

The sensation which these details irresistibly excite, is that of astonishment at the unparalleled effrontery of Mr. Talleyrand, in demanding of Mr. Gerry the names of X, Y, and Z; after Y had accompanied him on a visit to the minister, *with whom the conversation detailed in the printed despatches then passed*, and who then assured Mr. Gerry "that the information Mr. Y had given him was just, and might always be relied on;" after Z had in the first instance introduced Mr. Gerry to the minister, and served as their mutual interpreter, *and when the conversation between them had also been stated in the despatches*; and after X, Y, and Z, had all dined together with Mr. Gerry at Mr. Talleyrand's table, on rising from which, X and Y renewed the proposition about the MONEY!—The very circumstance of Mr. Talleyrand's being continued in office, after the account of these intrigues had been published to the world, is a decisive proof that they were commenced and carried on with the privity, and by the secret orders of the directory. It was to accomplish the object of these intrigues that the American envoys were kept at Paris unreceived, six months after their credentials had been laid before the directory: and it was only because they were superior to those intrigues, and that no hopes remained of wheedling or terrifying them into a compliance, that two of them were then sent away—and with marks of insult and contempt.

2. The fact that the French government attempted to inveigle Mr. Gerry into a separate negotiation will not be questioned: at first it was made *privately*, and under an injunction of *secrecy* towards his colleagues: it was afterwards plainly insinuated by the minister, in his letter of the 18th of March, 1798, in which he tells the envoys that the executive directory was disposed to treat with one of the three; and that one he openly avowed, in his letter of the 8d of April, to be Mr. Gerry. The *pretence* for selecting him was, that his "opinions, presumed to be more impartial, promised, in the course of the explanations, more of that reciprocal confidence which was indispensable." But when before have their "*opinions*" been stated as a justifiable ground for rejecting the ambassadors of peace? Ambassadors too, of established probity, whose characters were of the first distinction in their own country, and whose demeanour, towards the government to which they were deputed, was decent and respectful? Who had, with a frankness which the candour of their instructions warranted, communicated the important points which they contained? And who unremittingly, and with the most anxious solicitude, entreated that the negotiations might be commenced? What more proper or more honourable qualities ought ministers deputed to negotiate with a foreign nation to possess? But why should a foreign government question the *opinions* of the ambas-



sadors sent to negotiate with it on subjects of *difference* between the two nations? If wisely chosen, and faithful to the interests of their own country, they must of course possess different opinions from the government to which they are sent, the *differing opinions* maintained by the two nations on their respective rights and interests being the cause and objects of the negotiation. A government really disposed to treat on fair principles would never object to the *opinions* of foreign ambassadors. It would receive them, and appoint its own ministers with proper powers to treat with them, propose its terms, and receive those offered; and discuss both: and if then they could not agree, put an end to the *negotiation*. The French government did not wish to *negotiate*, it desired to *impose* a treaty on the United States. To this practice it had been accustomed towards the minor powers in Europe, whom it had subjected to its will: and it expected equal submission from the United States. Hence Mr. Talleyrand's secret declaration to Mr. Gerry, "that if he would negotiate, they could soon finish a treaty; *for the executive directory were not in the habit of spending much time about such matters.*" Hence the objections to Gen. Pinckney and Gen. Marshall: they manifested a discernment superior to the intrigues of the French government, and an invincible determination not to surrender the honor, the interest, or the independence of their country. It was necessary then to get rid of them; and seeing that neither despair of negotiating, nor studied indignities, could induce them to quit their posts, passports were sent to them to quit France: it was with difficulty that General Pinckney could obtain permission to stay two or three months for the recovery of his sick daughter, to whom an immediate voyage would probably prove fatal. Unembarrassed by the presence of these envoys, the French government, if it really desired a treaty on any terms, hoped to prevail on Mr. Gerry to negotiate separately, although from the first overture he declined and continued to decline it. But after the expulsion of his colleagues, it hoped by its seductive arts to prevail over his scruples and gain his consent to terms which, while they were present, would be rejected; or at all events to retain him, with the semblance of negotiating, regularly or informally, and thus keep the United States in the torpor of indecision, without preparation for offence or defence. Unfortunately, Mr. Gerry was induced, by the threats of immediate war against the United States, to separate from his colleagues and stay in Paris; threats which, viewed with their motives, merited only detestation and contempt. Four or five months before, the threats of immediate orders to quit France, and the terrors of war in its most dreadful forms, had been held up to all the envoys, to frighten them into a compliance with the groundless, unjust, and corrupt demands of the French govern-



ment. Those threats had not been executed, and the unworthy purposes for which they had been uttered had been obvious. Happily for the United States, the character of the French government, as delineated in the official despatches of all the envoys, and the knowledge of its conduct towards other countries, whose governments it had overturned, and whose people, in the names of liberty and equality, it had enslaved, so operated, as not to leave us exposed to all the evils which *suspense* was calculated to produce. Mr. Gerry indeed resisted all the arts of the French minister to entice him into a formal negotiation, after that government had driven his colleagues from Paris: a negotiation which in its nature would have been a surrender of our independence, by admitting a foreign government to choose for us the minister who should represent our country, to treat of our important rights and interests, which that government had itself violated and deeply injured.

The directory and their minister, Mr. Talleyrand, hoped and expected that General Pinckney and General Marshall <sup>would</sup> voluntarily have quitted France, after the minister's letter <sup>of</sup> 18th March, in which he made the offensive distinction between them and their colleague, Mr. Gerry, on the pretence that his "opinions" were more "impartial" than theirs. Accordingly Mr. Talleyrand, in his letter to Mr. Gerry of the 3d of April, says—"I suppose, sir, that Messrs. Pinckney and Marshall have thought it useful and proper, in consequence of the intimations which the end of my note of the 18th of March last presents, to quit the territory of the republic." Yet Mr. Talleyrand had given them neither passports nor letters of safe conduct! The fact is, the French government wished to avoid the odium of sending them away, and the blame of a rupture, which Mr. Talleyrand predicted would be the consequence; while it was privately intimated to them that they must leave the country. The minister's conduct on this occasion, towards General Marshall (as detailed in his journal) was particularly marked with indignities. When it was observed to Mr. Talleyrand, that this was not the manner in which a foreign minister ought to be treated, Mr. Talleyrand replied, that General Marshall was not a foreign minister, but was to be considered as a private American citizen; and must obtain his passport like others through the consul. To this it was answered, that General Marshall was a foreign minister,\* and that the French government could not deprive him of that character, which was conferred upon him, not by Mr. Talleyrand, but by the United States; and though the directory might

\* On the ninth of October 1797, the day after the Envoys had delivered to the minister a copy of their letter of credence, "cards of hospitality were sent to them and their secretaries, in a style suitable to their official character." [Despatches, p. 17.] And in the minister's letter to them of the 18th of March 1798, he calls them "the Commissioners and Envoys Extraordinary of the United States of America."—[Despatches, p. 92.]

refuse to receive or to treat with him, still his country had clothed him with the requisite powers, which he held independently of France ; that if he was not acceptable to the French government, and in consequence thereof, it was determined to send him away, still he ought to be sent away like a minister ; that he ought to have his passports, with letters of safe-conduct, which would protect him from the cruisers of France. Mr. Talleyrand replied, that if Gen. Marshall wished for a passport, he must give in his name, stature, age, complexion, &c. to the American consul, who would obtain a passport for him : that with respect to a letter of safe-conduct, it was unnecessary, as no risk from the cruisers would be incurred. The result of these conversations was a plain demonstration of the intention of the minister, that in consequence of his intimation at the close of his letter of the 18th of March, that the "opinions" of two of the envoys were not agreeable to the government of France, Generals Pinckney and Marshall *should appropriate to themselves* the character which the minister had intimated, *generally*. The envoys, aware of this snare, in their antepreceded the third of April, to the intimation that "the directory was <sup>not</sup> disposed to treat with *one* of the envoys," declare to the minister, "that *no one* of the envoys was authorized to take upon himself a negotiation evidently entrusted to the whole," and "that no two of them could propose to withdraw themselves from the task committed to them by their government, while there remained a possibility of performing it ;" but that if "it should be the will of the directory to *order* passports for the whole or any number of them," it was desired that such passports might be accompanied with letters of safe-conduct, to protect them against the cruisers of France.

These endeavours of the French government, whether real or affected, to draw Mr. Gerry into a separate negotiation, constitute the substance of the correspondence between him and Mr. Talleyrand. They appear to merit consideration in several points of view.

1. Because if real, it was only in the hope and expectation, that by intrigues and terrors the French government might influence Mr. Gerry to enter into a formal treaty, on the terms which he and his colleagues had repeatedly rejected, as incompatible with the interest, honour, and independence of their country. For at this time, Mr. Talleyrand had not renounced the demands of loans and a *douceur* as the indispensable preliminaries of a treaty. Accordingly, we see Mr. Talleyrand, in his letter of the 3d of April, to Mr. Gerry, propose "to *resume* their reciprocal communications upon the interests of the French republic and the United States of America." And in his letter of July 12th, to Mr. Gerry, having mentioned the arrival at Havre

of a packet, the *Sophia*, from the American government, he says, "until then I never supposed you entertained the design of embarking before we had come to an agreement upon the definitive articles to be ratified by your government." 2. Because if that government had so far succeeded, it would have insisted on its ratification by the president and senate, on the ground constantly taken by Mr. Talleyrand, that the powers of the envoys being *several* as well as *joint*, Mr. Gerry when *alone*, even after the *French government had ordered his colleagues to leave France*, were adequate to the formation of the treaty; and that therefore the public faith would be violated, if it were not ratified. 3. Because under such circumstances, the French government doubtless calculated at least on a division of the public opinion in the United States in favour of the ratification of such a treaty; by means of which it might *enforce* the ratification, or *effect still greater mischiefs*. 4. But these endeavours to draw Mr. Gerry into a formal negotiation are chiefly remarkable because they were persevered in during near five months, against his constant, direct and positive refusals to treat separately; Mr. Talleyrand asserting and Mr. Gerry denying the competency of his powers.

We have seen the envoys, from the 6th of October, 1797, the date of their first letter to the French minister, to the 3d of April, 1798, when their last was delivered to him, expressing their earnest desire to enter upon and prosecute the great business of their mission: we have seen them during that long period patiently enduring neglect and indignities, to which an ardent zeal to re-establish harmony and peace could alone induce freemen to submit: we have seen them while held in suspense—neither received nor rejected—yielding to the importunities of *private* agents of the French government, and hearing and discussing their propositions, insulting as they were, in the hope that when these should be shown to be utterly inadmissible, others founded in reason and equity, and in the usual course of diplomatic negotiation, might be brought forward. Doubtless they also wished, when their astonishment at the first overtures had subsided, by listening still longer to such dishonourable propositions, to ascertain the true character of the French government. We have seen them, after waiting five weeks from the presentation of a copy of their letters of credence, entirely unnoticed, "solicit an attention to their mission," and soliciting in vain. Thus denied an official hearing, they hoped by an unusual step to excite the attention of that government; they determined to transmit to the minister a letter representing the views of their own government in relation to the subjects in dispute with France. This letter, dated the 17th, was delivered the 31st of January, 1798. Waiting near a month without an



answer, and “still being anxious to hear explicitly from Mr. Talleyrand himself, before they sent their final letter, whether there were no means, within their powers, of accommodating our differences with France, on just and reasonable grounds,—on the 27th of February they desired “a personal interview on the subject of their mission;” and afterwards a second interview. They remark on what passed at these meetings, “that the views of France, with regard to the United States, were not essentially changed since their communications with its unofficial agents in the preceding October.”

At length they received Mr. Talleyrand's letter of the 18th March, 1798, in answer to theirs of the 17th of January. The minister's letter represented the complaints of France; as usual, charging the American government with the inexecution of the treaties with France—with *dissimulation*—insinuating that our tribunals were subject to a *secret influence*—holding up the British treaty as replete with evil and injury, and “the principal grievance of the republic.”—Accusing the American government of a wish to seize the first favourable occasion to consummate an intimate union with Great Britain, and suggesting that a devotion and partiality to that power have long been the principle of the conduct of the federal government.

To this letter of the French minister, the envoys sent their reply on the 3d of April. This reply and their former letter detect the sophisms and erroneous statements of the minister—expose his naked assertions—refute his arguments—repel his calumnies—and completely vindicate the fidelity, the justice, and, as a neutral power, the impartiality of the government of the United States; and, at the same time, exhibit the weighty and well-founded complaints of the United States against the French republic.

Hitherto, instead of a desire to obtain a reconciliation, we can discover in the French government only *empty professions* of a desire to conciliate; while it haughtily refused to receive our envoys, and during six months disregarded their respectful and ardent solicitations to negotiate: and after *one* of them, whom it induced to remain in France, had declared that “*he had no powers to treat separately, that the measure was impossible,*” then the Directory expelled the other *two*!

If now we survey Mr. Gerry's individual correspondence, we shall find no solid evidence of any change in the disposition of the French government.

In his first letter to Mr. Gerry, Mr. Talleyrand's artifices are visible: he addresses him as “Envoy Extraordinary of the United States of America, to the French Republic;” and proposes to him to “*resume* their reciprocal communications.” Mr. Gerry, apprehending that the Minister intended to draw him in-



to a negotiation, repeats what he had often before declared, that for him to treat separately was impracticable : and that he can only confer with him informally.

On the 20th of April, Mr. Gerry addresses a letter to the Minister, and presses him to come forward with propositions for terminating all differences, restoring harmony, and re-establishing commerce between the two nations. He receives no answer. On the 28th he confers with the minister, who says he cannot make propositions, because he does not know the views of the United States in regard to a treaty. Mr. Gerry gives him the information. He then promises in three or four days to deliver Mr. Gerry the project of a treaty : this promise was never performed. On the 12th of May, the new instructions of March 23d, sent by the *Sophia* packet, reached Mr. Gerry ; and he gave immediate notice to the minister that he should return to America in the *Sophia*, as soon as she could be fitted for sea.

“ On the 24th of May, the minister sent his principal secretary to inform Mr. Gerry, *that his government did not wish to break the British treaty ; but expected such provisions as would indemnify France, and put her on a footing with that nation.*” Yet that treaty had been made, by the French government, its chief pretence for those unjust and cruel depredations on American commerce, which have brought distress on multitudes, and ruin on many of our citizens ; and occasioned a total loss of property to the United States of probably more than twenty millions of dollars ; besides subjecting our fellow-citizens to insults, stripes, wounds, torture and imprisonment. And Mr. Talleyrand, in his letter of the 18th March, to the envoys, declared that treaty to be “ the principal grievance of the Republic.” But now, instead of breaking that treaty, France desires to be put on the same footing. This the United States would at any time have done, and the envoys were now explicitly instructed to do : and seven months before, all the envoys, in their conversation with Mr. Bellamy (Y) the confidential and authorized agent of the French minister, told him “ that he might be assured that their powers were such as authorized them to place France on equal ground with England, in any respects in which an inequality might be supposed to exist at present between them, to the disadvantage of France.”

The Secretary also mentioned the claims of the American citizens on the French republic : he said if the latter should be unable to pay them, when adjusted, and the United States would assume and pay them, France would reimburse the amount thereof. This has the semblance of candour : but on the 4th of March, when the envoys were in conference with Mr. Talleyrand, and they disclosed their principal instructions, “ General

Pinckney and Mr. Gerry told him they were positively forbidden to assume the debts to our own citizens, even if we were to pay the money directly to them." And doubtless it was because the proposition was already known to be inadmissible that it was now renewed.

The secretary and Mr. Gerry had also some unimportant conversation about the consular convention. And it is plain that the whole object of the secretary's visit was to amuse, by keeping alive Mr. Gerry's hopes of some pacific arrangements.

On the 26th of May, Mr. Gerry had a conference with the minister; pressing on this, as on former occasions, the necessity of sending a minister to the United States, with powers to negotiate; to which, he says, the minister acceded; but afterwards explained himself to mean a minister to *reside there after the ratification of the talked-of treaty*.

Such are the proceedings of the French government, by its minister, Mr. Talleyrand, before the arrival of the printed despatches of the envoys. We discover nothing but a proposition for treating with Mr. Gerry alone—which he had repeatedly declared to be *impossible*—and on terms which Mr. Gerry himself, as well as the other envoys, had long before pronounced to be utterly inadmissible, because directly repugnant to their instructions. We shall now see, by an examination of Mr. Gerry's subsequent communications, that the publication of the envoys' despatches, far from causing a discontinuance of negotiations with him, or any change in the disposition of the French government more unfriendly to the United States, incomparably greater zeal for negotiating was exhibited afterwards than before.

On the 30th of May, the minister announces to Mr. Gerry the publication of the envoys' despatches. In his letter of the 27th of June, he says, this incident only "for a moment suspended the principal object"—the negociation with Mr. Gerry; and in his letter of June 10th, he declares, that "the French government, superior to all the personalities, to all the manœuvres of its enemies, perseveres in the intention of conciliating with sincerity all the differences which have happened between the two countries." On the 18th of June the minister sends him a plan for conducting the negotiations; for the first time states the "three points," on which he says, "all negotiations between France and the United States must essentially rest;" and "gives (what he calls) a large development" of them; concluding by pressing him to remain at Paris, to accelerate the negotiation—"the drawing together of those ties which the French republic and the *true Americans* have regretted to see *relaxed*."

On the 27th of June the minister again writes to Mr. Gerry, and in language the most importunate, such as had never before been used, urges him not to withdraw, "when the French government, superior to all resentments, and never listening to any thing but justice, manifests itself anxious to conclude a solid and mutually satisfactory agreement." The minister even observes, that the first of the "three points" mentioned in his preceding letter (respecting amicable declarations about mutual recriminations) might be postponed—that the third (about the consular convention) would doubtless experience no difficulty on either side, after the second should be amicably settled: that it was to the *second* therefore they should first attend; it being so much the more important, as it embraced the source of all the differences between the two nations. And on the 22d of July, the minister renounces all demands of "loans and explanations on the subject of speeches;" and even affects to be hurt that Mr. Gerry should have mentioned them: although both he and his private agents had, before, so long and so obstinately persevered in demanding them of the envoys, as the indispensable preliminaries to a negotiation. And doubtless it is partly owing to the publication of their despatches, thereby exposing to the world those shameless demands, with the scandalous proposition of the *douceur*, that they are now relinquished.

In adducing these circumstances to show the *increased zeal* of the French government, since the publication of the despatches, to negotiate on its differences with the United States, it is not to be understood, that they afford a shadow of evidence of its sincerity. But as *professions*, verbal or written, furnished the only ground on which Mr. Gerry could form his opinion, that "before the arrival of the despatches of the envoys, the minister was sincere and anxious to obtain a reconciliation," much more, professions stronger and more importunate, afterwards made, afford proportionably higher evidence of sincerity. But the present details demonstrate that all those professions were merely ostensible. In the minister's last mentioned letter, after saying that his "second point" was most important, "*as it embraced the source of all the differences,*" and that to this they should *first attend*—he purposely forgets it, passes over it, and sends Mr. Gerry a note on the *consular convention*, of all possible subjects in difference the most insignificant; as it would have expired by its own limitation in two years and a half; within which time, the commerce of France, judging from its present state of annihilation, would probably not furnish a single ship to visit the ports of the United States. In his next letter, dated July 6th, he pursues his speculations on the *consular convention*, and sends Mr. Gerry two more notes upon it; complaining that he had not transmitted to him his opinion upon his first note, and recommending the



two last to his attention : although Mr. Gerry had repeatedly and positively declined a *formal discussion*, such as the minister now urged in writing. Mr. Gerry states also that this first note of the minister on the consular convention, was sent to him six weeks after he had demanded his passport, and when his baggage was actually on board the *Sophia* !

In a word, the more clearly the impossibility of entering on a formal negotiation appeared, the more was it pressed by the French minister. Mr. Gerry in his letter to Mr. Talleyrand of July 20th, as justly as pointedly exposes the boasted zeal of the minister—"You was the first, you affirm, to press seriously the negotiation : you will agree with me that the merit would have been greater, had the measure itself been *feasible*." Again he says to the minister, "You frequently remind me of your exertions, [to negotiate] which I am disposed as much as possible to appreciate, regretting at the same time *their circuitous direction*."

From this detail of facts, the following are the necessary conclusions :

That by the exclusive attentions of the minister to Mr. Gerry, the French government intended to excite the jealousy of his colleagues, to promote dissensions between them, to separate him from them, and induce him to remain in France ; expecting either to seduce him into a formal negotiation of a treaty, on terms exclusively advantageous to France, and injurious and dishonourable to the United States ; or, failing in this, to hold the United States in *suspense*, and prevent any measures for our security—in the event of a war ; while we, amused and deluded by warm but empty professions of the pacific views and wishes of France, and by "informal conferences," might wait in spiritless torpor, hoping for a peaceful result : and

That by this course of proceeding—this ostentatious display of zeal to adjust differences, and restore harmony and a friendly intercourse between the United States and France, the French government intended, in case of a rupture, to throw the blame on the former.

If I were to allow myself to make any further reflections on the conduct of France towards the United States, it would be to illustrate the truth of Mr. Barlow's assertion, *That the French government determined to FLEECE us*. If the French government "listened (as Mr. Talleyrand says it does) to nothing but justice," and really desired a reconciliation, it would have proposed *to fix some measure of satisfaction* for the injuries it said it had received. Or if too proud to propose to us, at least it would have prescribed to itself, some limit to *reprisals* ; or at any rate, it would not have spurned us from its presence, when we respectfully presented ourselves, sought a reconcilia-



tion, and offered to make a just satisfaction for every injury we had committed. And if (as Mr. Talleyrand asserts) "the French government has not ceased to offer the exact justice it demands," it would also have permitted us to state our claims.—But it would have been so easy to ascertain all the damages we had done ; and their amount would have been so small ; even if we agreed to pay for all English, Spanish, and Dutch vessels brought by French cruisers into our ports, while all those nations were at war with France—a few of which the justice of the federal courts, *in vindication of the sovereignty of the United States*, rescued from the hands of the French consuls, agents and privateersmen ; and if to that amount we also added ten times the value of the miserable corvette *Le Cassius*, a vessel which had been unlawfully fitted out for war in the United States, but which has been the burden of every note from Adet's in 1795, to De la Croix's and Talleyrand's in 1796 and 1798, the amount of the whole, it was known, would be so *small*—the French government did not choose to have it *ascertained* : for then the injuries done by the French to the commerce of the United States must also have been examined and adjusted : and when adjusted, *payment* must have been made or stipulated : but in this, the French government, doubtless thought "it would find only a real disadvantage : " the amount of its own demands deducted from those of America, would hardly seem to have diminished the latter.

Such a mutual adjustment would also have been accompanied with a settlement of all questions and disputes about the construction of treaties, and all other subjects of difference : but in this also the French government, upon its own system, "would have found a real disadvantage." For it would have vastly reduced the field for privateering in the European seas ; and in the West Indies it would have been nearly annihilated : for there, for every vessel taken from the *enemies* of France, her cruisers have probably captured twenty belonging to the *United States*. But the French government, by always abstaining from making specific demands of damages—by refusing to receive our ministers—by at length proposing to negotiate in a mode which it knew to be impracticable—with the person who had no powers, and who therefore constantly refused to negotiate—and thus wholly avoiding a negotiation—it has kept open the field for complaints of wrongs and injuries, in order, by leaving them undefined, to furnish pretences for unlimited depredations.—In this way "it determined to *fleece* us : " In this way it gratified its *avarice and revenge*—and it hoped also to satiate its *ambition*. After a long series of insults unresented, and a patient endurance of injuries, aggravated in their nature and unexampled in their extent—that government expected our final submission to

its will. Our resistance has excited its surprise ; and as certainly increased its resentment. With some soothing expressions, is heard the voice of wounded pride. Warmly professing its desire of reconciliation, it gives no evidence of its sincerity ; but proofs in abundance demonstrate that it is not sincere. From standing erect, and in that commanding attitude requiring implicit obedience—cowering, it renounces some of its unfounded demands. But I hope we shall remember “ that the tyger crouches before he leaps upon his prey.”

Department of State, }  
January 18, 1799. }

TIMOTHY PICKERING.

[TRANSLATION.]

*Paris, 11th Prairial, 6th year of the Republic,  
one and indivisible. (May 30, 1798.)*

The Minister of Exterior Relations,

To Mr. GERRY, Envoy of the United States.

I COMMUNICATE to you, sir, a London gazette of the 26th of last Floreal (May 15, 1798.) You will therein find a very strange publication. I cannot observe without surprise, that intriguers have profited of the insulated condition in which the envoys of the United States have kept themselves, to make proposals and hold conversations, the object of which was evidently to deceive you.

I pray you to make known to me immediately the names denoted by the initials W, X, Y and Z, and that of the woman who is described as having had conversations with Mr. Pinckney upon the interests of America ; if you are averse to sending them to me in writing, be pleased to communicate them confidentially to the bearer.

I must rely upon your eagerness to enable the government to fathom those practices, of which I felicitate you on not having been the dupe, and which you must wish to see cleared up.

Accept the assurance of my perfect consideration.

(Signed)

CH. MAU. TALLEYRAND.

*Paris, May 31st, 1798.*

Your letter, Citizen Minister, of the 11th Prairial (30th May,) and the gazette to which it refers, were delivered to me by Mr. ; the latter contains the whole of the informal

negotiations communicated by the envoys to their government, and the letter states that certain intriguers have made propositions and held conversations with the envoys, the object of which was evidently to deceive them. You have therefore desired me to communicate their names. If any of those persons were unauthorized to act, or having definite powers, have exceeded them, they certainly have abused this government and the envoys likewise ; but I am incompetent to judge of these points, as they did not produce, to my knowledge, credentials or documents of any kind.

The publications referred to are sufficient to show the delicate situation I am in with respect to the names of the persons, and are marked with such circumstances, as to enable you, I flatter myself, to investigate the subject without insisting on any communications on my part.

To free, however, some innocent persons from suspicions which are said to have embarrassed them, I have no objection to declare that three of the persons were foreigners, and that the fourth acted merely as a messenger and linguist.

You will observe, Citizen Minister, how extremely averse the envoys were from such an informal mode of proceeding, by their answer of October the 30th, to certain propositions previously made to them ; that on the 1st of November they agreed to put an end to such an intercourse ; and that they carried into effect their resolutions, notwithstanding the reiterated attempts afterwards made to defeat it. They conceived it nevertheless to be their duty to make a communication of the whole to their government.

Accept, Citizen Minister, the assurances of my perfect esteem.

(Signed)

E. GERRY.

(Copy.)

*To the Minister of Foreign Affairs  
of the French Republic.*

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[TRANSLATION.]

*Paris, 13th Prairial, 6th year.*

*[June 1st, 1798.]*

The Minister of Exterior Relations,

To Mr. GERRY, Envoy of the United States.

I have received, sir, your letter of yesterday. You inform me, 1st. That the gazette presented contains all the informal negotiations, communicated by the envoys to their government ; 2d. That the persons referred to, have not produced, to your know-

ledge, any authority, any document of any kind whatever, to accredit themselves ; 3d. That three of the individuals mentioned (that is to say, in the order in which I have placed them, W, X, Y) are foreigners, and the fourth (that is to say Z) acted only as messenger and interpreter.

Although I perceive your repugnance to naming those individuals, I must earnestly request you to yield it to the importance of the object. Be pleased, therefore, 1st. Either to give me their names in writing, or communicate them confidentially to the bearer ; 2d. To name the woman whom Mr. Pinckney mentions ; 3d. To tell me whether any of the citizens attached to my service, and authorized by me to see the envoys, told them a word, which had the least relation to the disgusting proposition which was made by X and Y to give any sum whatever for corrupt distribution.

Receive, sir, the assurance of my perfect consideration.

(Signed)

CH. MAU. TALLEYRAND.

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*Paris, June 1st, 1798.*

Citizen Minister,

Being officially informed that sundry letters for General Marshall, Mr. Murray, our minister at the Hague, Mr. Bourne, our consul at Amsterdam, the house of Lange and Bourne, and myself, captured in the American ship Farmer, some time since, and sent to Rotterdam, were by order of Mr. Delacroix transmitted to Paris, in pursuance of the instructions he received from this government, and having made several unsuccessful efforts to recover these despatches, permit me to request your assistance for obtaining them without further delay.

Accept, Citizen Minister, the assurance of my perfect esteem and respect.

(Signed)

E. GERRY.

*To the Minister of Foreign Affairs  
of the French Republic.*

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*Paris, June 3, 1798, Prairial 15, An. 6.*

Citizen Minister,

Mr.            has delivered me your letter of the 13th Prairial, wherein, after recapitulating a part of mine of the 31st of May, you request me immediately to submit to the importance



of the object, and 1st. To give you in writing, or communicate confidentially to him, the names of those persons designated by the letters W, X, Y, Z. 2dly. To name the woman quoted by Mr. Pinckney. 3dly. To inform you whether any of the citizens attached to your employments, and authorized by you to see the envoys, have said one word which had the least relation to the shocking proposition which has been made by X and Y, for us to deliver any sum whatever for a corrupt distribution.

With respect to the persons designated by X, Y, Z, I will inclose you their names under my hand and seal, on your assuring me, that they shall not be published on my authority, although the measure does not appear to me necessary for their discovery; and Z, as he informs me, has made himself known to you. But W never having spoken to me a word relative to X, or to any part of our communications, the manifest impropriety of my giving hearsay information, will, I presume, apologise for omitting it.

I cannot give you the name of any lady, for no one has made any political communications to me since my arrival in Paris.

In regard to the citizens attached to your employments, and authorized by you to see the envoys on your official communications, I do not recollect a word from any of them, which had the least relation to the proposition made by X and Y, in their informal negotiations, to pay money for corrupt purposes.

Accept, I pray you, Citizen Minister, the assurances of my perfect esteem and respect.

(Signed)

E. GERRY.

*To the Minister of Foreign Affairs  
of the French Republic.*

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(TRANSLATION.)

*Paris, 16 Prairial, 6 Year (4th June, 1798.)*

The Minister of Exterior Relations,

To Mr. GERRY, Envoy of the United States.

Your letter of yesterday, sir, has just been handed to me. You may render to me in perfect confidence the names you mention to me, under your hand and seal. I assure you, that they shall not be published as coming from you.

Receive, Sir, the assurance of my perfect consideration.

(Signed)

CH. MAU. TALLEYRAND.

Paris, June 1798, Prairial 6 ans

The names of the persons designated in the communications of the envoys Extraordinary of the United States to their government, published in the Commercial Advertiser of the 11th of April last, at New-York, are as follow :

X, is Mr. ———.\*

Y, is Mr. Bellamy.

Z, is Mr. Hautval.

(Signed)

E. GERRY.

*To the Minister of Foreign Affairs  
of the French Republic.*

\* Mr. Gerry has inserted the proper name of X, in this document, as given to Mr. Talleyrand : But the person designated by X, not having (like Y) avowed himself, the promise made by the envoys to him and Y, "that their names should in no event be made public," is still obligatory on the executive in respect to X, and therefore his name is here omitted.

T. PICKERING.

### IMPERIAL DECREE.

Rejoinder to his Britannic Majesty's Orders in Council of the 11th of November, 1807.

*At our Royal Palace, at Milan, December 17, 1807.*

Napoleon, Emperor of the French, King of Italy, and Protector of the Rhenish Confederation—

Observing the measures adopted by the British government, on the 11th of November last, by which vessels belonging to neutral, friendly, or even to powers the allies of England, are made liable, not only to be searched by English cruisers, but to be compulsorily detained in England, and to have a tax laid on them of so much per cent on the cargo, to be regulated by the British legislature.

Observing that by these acts the British government denationalizes ships of every nation in Europe, that it is not competent for any government to detract from its own independence and rights, all the sovereigns of Europe having in trust the sovereignties and independence of the flag ; that if by an unpardonable weakness, and which, in the eyes of posterity, would be an indelible stain, such a tyranny was allowed to be established into principles, and consecrated by usage, the English would avail themselves of the tolerance of governments to establish the infamous principles, that the flag of a na-

tion does not cover goods, and to give to their right of blockade an arbitrary extension, and which infringes on the sovereignty of every state ; we have decreed, and do decree as follows :—

Art. 1. Every ship, to whatever nation it may belong, that shall have submitted to be searched by an English ship, or to a voyage to England, or that shall have paid any tax whatsoever to the English government, is thereby, and for that alone, declared to be denationalized, to have forfeited the protection of its king, and to have become English property.

Art. 2. Whether the ships thus denationalized by the arbitrary measures of the English government, enter into our ports, or those of our allies, or whether they fall into the hands of our ships of war, or of our privateers, they are declared to be good and lawful prizes.

Art. 3. The British islands are declared to be in a state of blockade, both by land and sea. Every ship, of whatever nation, or whatsoever the nature of her cargo may be, that sails from the ports of England, or those of the English colonies, and of the countries occupied by English troops, and proceeding to England, or to English colonies, or to countries occupied by English troops, is good and lawful prize, as contrary to the present Decree ; and may be captured by ourships of war, or our privateers, and adjudged to the captor.

Art. 4. These measures, which are resorted to only in just retaliation of the barbarous system adopted by England, which assimilates its legislation to that of Algiers, shall cease to have any effect with respect to all nations who shall have the firmness to compel the English government to respect their flag. They shall continue to be rigorously in force as long as that government does not return to the principle of the law of nations, which regulates the relations of civilized states in a state of war. The provisions of the present Decree shall be abrogated and null, in fact, as soon as the English abide again by the principles of the law of nations, which are also the principles of justice and of honour.

All our Ministers are charged with the execution of the present Decree, which shall be inserted in the Bulletin of the Laws.

(Signed)

NAPOLÉON.

By order of the Emperor,

The Secretary of State.

(Signed)

H. B. MARET.

## IMPERIAL DECREE,

DECLARING THE BRITISH ISLES IN A STATE OF BLOCKADE.

*Imperial Camp, Berlin, November, 21, 1806.*

Napoleon, Emperor of the French, and King of Italy—considering :—

1. That England does not admit the right of nations, as universally acknowledged by all civilized people :—

2. That she declares as an enemy, every individual belonging to an enemy state, and in consequence, makes prisoners of war, not only the crews of armed vessels, but those also of merchant vessels, and even the supercargoes of the same :—

3. That she extends or applies to merchant vessels, to articles of commerce, and to the property of individuals, the right to conquest, which can only be applied or extended to what belongs to an enemy state :—

4. That she extends to ports not fortified, to the harbours and mouths of rivers, the right of blockade, which, according to reason and the usage of civilized nations, is applicable only to strong or fortified ports :

That she declares blockaded, places before which she has not a single vessel of war ; although a place ought not to be considered blockaded, but when it is so invested as that no approach to it can be made without imminent hazard ;—that she declares even places blockaded, which her united forces would be incapable of doing, such as entire coasts, and a whole empire :—

5. That this unequalled abuse of the right of blockade, has no other object, than to interrupt the communications of different nations, and to raise the commerce and industry of England upon the ruin of those of the continent :—

6. That this being the evident design of England, whoever deals on the continent in English merchandise, favours that design, and becomes an accomplice :—

7. That this conduct in England, (worthy only of the first ages of barbarism) has benefited her to the detriment of other nations :—

8. That it being a right to oppose to an enemy the same arms she makes use of, to combat as she does ; when all ideas of justice, and every liberal sentiment, (the result of civilization among men) are disregarded :—

We have resolved to enforce against England the usages which she has consecrated in her maritime code.

The present decree shall be considered as the fundamental law of the empire, until England has acknowledged that the right of war is the same on land as at sea, that it cannot be extended to any private property whatever, nor to persons who are not military, and until the right of blockade be restrained to fortified places actually invested by competent forces.

Art. 1. The British Islands are in a state of blockade.

2. All commerce and correspondence with them is prohibited. Consequently, all letters or packets, written in England, or to an Englishman, written in the English language, shall not be despatched from the post-offices, and shall be seized.

3. Every individual, a subject of Great Britain, of whatever rank or condition, who is found in countries occupied by our troops, or those of our allies, shall be made a prisoner of war.

4. Every warehouse, all merchandise or property whatever, belonging to an Englishman, are declared to be good prize.

5. The commerce of English merchandise is prohibited. All mer-



chandise belonging to England, or coming from her manufactories and colonies, are declared to be good prize.

6. One half of the proceeds of merchandise declared to be good prize, and forfeited as in the preceding articles, shall go to indemnify merchants who have suffered losses by the English cruisers.

7. No vessel coming directly from England or her colonies, or having been there since the publication of this decree, shall be admitted into any port.

8. Every vessel, that by a false declaration contravenes the foregoing disposition, shall be seized; and the ship and cargo confiscated as English property.

[9. This article states, that the councils of prizes at Paris and at Milan, shall have recognizance of what may arise in the empire, and in Italy, under the present article.]

10. Communications of this decree shall be made to the kings of Spain, Naples, Holland, Etruria, and to our other allies; whose subjects, as well as ours, are victims of the injustice and barbarity of the English maritime code.

11. Our ministers of foreign relations, &c. &c. are charged with the execution of the present decree.

(Signed)

NAPOLÉON.

By the Emperor,

H. B. MARÉT, Secretary of State.

*Mr. Pinkney to Lord Wellesley.*

Great Cumberland Place, August 25, 1810.

My Lord,

I have the honour to state to your lordship, that I have received from general Armstrong, minister plenipotentiary of the United States at Paris, a letter bearing date the 6th instant, in which he informs me that the government of France has revoked the decrees of Berlin and Milan, and that he has received a written and official notice of that fact in the following words: "Je suis autorisé à vous déclarer, monsieur, que les décrets de Berlin et de Milan sont révoqués, et, qu'à dater du 1er. Novembre, ils cesseront d'avoir leur effet."

I take for granted that the revocation of the British orders in council of January and November, 1807, and April, 1809, and of all other orders, dependent upon, analogous to, or in execution of them, will follow of course; and I shall hope to be enabled by your lordship, with as little delay as possible, to announce to my government that such revocation has taken place,

I have the honour to be, &c. &c.

(Signed)

WM. PINKNEY.

*The most noble the Marquis Wellesley, &c. &c. &c.*

*Mr. Smith to Mr. Pinkney.*

Department of State, October 19th, 1816

SIR,

Your despatch of the 24th of August, enclosing a newspaper statement of a letter from the duke of Cadore to general Armstrong, notifying a revocation of the Berlin and Milan decrees, has been received. It ought not to be doubted that this step of the French government will be followed by a repeal, on the part of the British government, of its orders in council. And if a termination of the crisis between Great Britain and the United States be really intended, the repeal ought to include the system of paper blockades, which differ in name only from the retaliatory system comprised in the orders in council. From the complexion of the British prints, not to mention other considerations, the paper blockades may however not be abandoned. There is hence a prospect that the United States may be brought to issue with Great Britain on the legality of such blockades. In such case, as it cannot be expected that the United States, founded as they are in law and in right, can acquiesce in the validity of the British practice; it lies with the British government to remove the difficulty. In addition to the considerations heretofore stated to you in former letters, you may bring to the view of the British government the retrospective operation of those diplomatic notifications of blockades, which consider a notice to the minister as a notice to his government, and to the merchants, who are at a distance of three thousand miles. It will recur to your recollection, that the present ministry, in the debates of parliament, in opposition to the authors of the orders of January, 1807, denied that they were warranted by the law of nations. The analogy between these orders and the blockade of May 1806, in so far as both relate to a trade between enemy ports, furnishes an appeal to the consistency of those now in office, and an answer to attempts by them to vindicate the legality of that blockade. It is remarkable, also, that this blockade is founded on "the new and extraordinary means resorted to by the enemy for the purpose of distressing the commerce of British subjects." *What are those means? In what respect do they violate our neutral rights? Are they still in operation?* It is believed that true answers to these questions will enforce the obligation of yielding to our demands on this subject. You may also refer the British government to the characteristic definition of a blockaded port, as set forth in their treaty with Russia, of June, 1801, the preamble of which declares, that one of its objects was to settle "an invariable determination of their principles upon the rights of neutrality."

Should the British government unexpectedly resort to the pretext of an acquiescence on the part of the United States in their practice, it may be remarked, that prior to, as well as during the present administration, this government has invariably protested against such pretensions; and in addition to other instances heretofore communicated to you, I herewith transmit to you an extract of a letter to the department of state, of July 15th, 1799, from Mr. King, our Minister at London, and also such part of Mr. Marshall's letter

to him, of the 20th September, 1800, as relates to the subject of blockades. And it may moreover be urged, that the principle now contended for by the United States was maintained against others, as well as Great Britain, as appears from the accompanying copy of the letter to our minister at Madrid, in the year 1801. To this principle the United States also adhered when a belligerent, as in the case of the blockade of Tripoli, as will be seen by the annexed letter from the navy department. You will press on the justice, friendship and policy of Great Britain, such a course of proceeding as will obviate the dilemma resulting to the United States from a refusal to put an end to the paper blockades, as well as the orders in council.

The necessity of revoking the blockade of Copenhagen, as notified to you in May, 1808, will not escape your attention. Its continuance may embarrass us with Denmark, if not with France.

Your answer as to the Corfu blockade is approved: and should the answer to it render a reply necessary, the president directs you to remonstrate against such a blockade; availing yourself, as far as they may be applicable, of the ideas in the letter to Mr. Charles Pinckney of October, 1801, and particularly of the proof it affords of our early remonstrance against the principle of such blockades.

No communication having yet been made by general Armstrong of a letter to him from the Duke of Cadore, declaring that the Berlin and Milan decrees will cease to be in force from the first day of November next, I can at this time only inform you, *that if the proceedings of the French government, when officially received, should correspond with the printed letter of the duke of Cadore*, enclosed in your despatch, you will let the British government understand, that on the first day of November the president will issue his proclamation, conformably to the act of congress, and that the non-intercourse law will consequently be revived against Great Britain. And if the British government should not, with the early notice received of the repeal of the French decrees, have revoked all its orders which violate our neutral rights, it should not be overlooked, that congress, at their approaching session, may be induced not to wait for the expiration of the three months, (which were allowed on the supposition that the first notice might pass through the United States) before they give effect to the renewal of the non-intercourse. This consideration ought to have its weight, in dissuading the British government from the policy, in every respect misjudged, of procrastinating the repeal of its illegal edicts.

If the British government be sincerely disposed to come to a good understanding, and to cultivate a friendly intercourse with the United States, it cannot but be sensible of the necessity, in addition to a compliance with the act of congress, of concluding at this time a general arrangement of the topics between the two countries; and, above all, such an one as will upon equitable terms, effectually put a stop to the insufferable vexations to which our seamen have been and are yet exposed, from the British practice



of impressment ; a practice which has so strong a bearing on our neutrality, and to which no nation can submit consistently with its independency. To this very interesting subject you will therefore recall the attention of the British government, and you will accordingly consider yourself hereby authorized to discuss and adjust the same separately, conformably to the instructions in my letter to you of the 20th January last, on the condition, however, contained in that letter, namely, that the requisite atonement shall have been previously made in the case of the outrage on the Chesapeake. But, as in this case, every admissible advance has been exhausted on the part of the United States, it will be improper to renew the subject to the British government, with which it must lie to come forward with the requisite satisfaction to the United States. You will therefore merely evince a disposition to meet, in a conciliatory form, any overtures that may be made on the part of the British government.

The British government having so long omitted to fulfil the just expectations of the United States, in relation to a successor to Mr. Jackson, notwithstanding the reiterated assurances to you of such an intention, *has no claims to further indulgence*. On the receipt of this letter, therefore, should the appointment of a plenipotentiary successor not have been made and communicated to you, you will let your purpose be known of returning to the United States, unless, indeed, the British government should have unequivocally manifested a disposition to revoke their orders in council, conformably to the act of congress of May last, and our affairs with them should have accordingly taken so favourable a turn as to justify, in your judgment, a further suspension of it.

I have the honour, &c. &c.

R. SMITH.

(Signed)  
Wm. Pinkney, Esq. &c. &c. &c.

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*Mr. Smith to General Armstrong.*

Department of State, June 5, 1810.

SIR,

The arrival of the John Adams brought your letters of the 1st, 4th, 7th and 16th of April.

From that of the 16th of April it appears, that the seizures of the American property, lately made, had been followed up by its actual sale, and that the proceeds had been deposited in the emperor's *caisse privé*. You have represented in such just colours, the enormity of this outrage, that I have only to signify to you, that the president entirely approves the step that has been taken by you, and that he does not doubt that it will be followed by you, or the person who may succeed you, with such further interpositions as may be deemed advisable. He instructs you particularly to make the French government sensible of the deep impression made here by *so signal an aggression on the principles of justice and of good faith*, and to demand every reparation of which the case is susceptible. *If it be not the purpose of the French government to remove every idea of friendly*



*adjustment with the United States, it would seem impossible but that a reconsideration of this violent proceeding must lead to a redress of it, as a preliminary to a general accommodation of the differences between the two countries.*

At the date of the last communication from Mr. Pinkney, he had not obtained from the British government an acceptance of the condition, on which the French government was willing to concur in putting an end to all the edicts of both, against our neutral commerce. If he should afterwards have succeeded, you will of course, on receiving information of the fact, immediately claim from the French government the fulfilment of its promise, and by transmitting the result to Mr. Pinkney, you will co-operate with him in completing the removal of all the illegal obstructions to our commerce.

Among the documents now sent is another copy of the act of congress, repealing the non-intercourse law, but authorizing a renewal of it against Great Britain, in case France shall repeal her edicts and Great Britain refuse to follow her example, and *vice versa*. You have been already informed that the president was ready to exercise the power vested in him for such a purpose, as soon as the occasion shall arise. Should the other experiment, in the hands of Mr. Pinkney, have failed, you will make the act of congress, and the disposition of the president, the subject of a formal communication to the French government, and it is not easy to conceive any ground, even specious, on which the overture specified in the act can be declined.

If the non-intercourse law, in any of its modifications, was objectionable to the emperor of the French, that law no longer exists.

If he be ready, as has been declared in the letter of the duke of Cadore, of February 14, to do justice to the United States, in the case of a pledge on their part not to submit to the British edicts, the opportunity for making good the declaration is now afforded. Instead of submission, the president is ready, by renewing the non-intercourse against Great Britain, to oppose to her orders in council a measure, which is of a character that ought to satisfy any reasonable expectation. If it should be necessary for you to meet the question, whether the non-intercourse will be renewed against Great Britain, in case she should not comprehend, in the repeal of her edicts, her blockades, which are not consistent with the law of nations, you may, should it be found necessary, let it be understood, that a repeal of the illegal blockades of a date prior to the Berlin decree, namely, that of May, 1806, will be included in the condition required of Great Britain; that particular blockade having been avowed to be comprehended in, and of course identified with the orders in council. With respect to blockades, of a subsequent date or not, against France, you will press the reasonableness of leaving them, together with future blockades not warranted by public law, to be proceeded against by the United States in the manner they may choose to adopt. *As has been heretofore stated to you, a satisfactory provision for restoring the property lately surprised and seiz-*

ed by the order, or at the instance of the French government, must be combined with a repeal of the French edicts, with a view to a non-intercourse with Great Britain : such a provision being an indispensable evidence of the just purpose of France towards the United States. And you will, moreover, be careful, in arranging such a provision for that particular case of spoliations, not to weaken the ground on which a redress of others may be justly pursued.

If the act of congress which has legalized a free trade with both the belligerents, without guarding against British interruptions of it with France, while France cannot materially interrupt it with Great Britain, be complained of as leaving the trade on the worst possible footing for France, and on the best possible one for Great Britain, the French government may be reminded of the other feature of the act, which puts it in their own power to obtain either an interruption of our trade with Great Britain, or a recall of her interruption of it with France.

Among the considerations which belong to this subject, it may be remarked, that it might have been reasonably expected, by the United States, that a repeal of the French decrees would have resulted from the British order in council of April, 1809. This order expressly revoked the preceding orders of November, 1807, heretofore urged by France in justification of her decrees, and was not only different in its extent and its details, but was essentially different in its policy.

The policy of the orders of 1807 was, by cutting off all commercial supplies, to retort on her enemies the distress which the French decree was intended to inflict on Great Britain.

The policy of the order of April, 1809, if not avowedly, was most certainly to prevent such supplies, by shutting out those only which might flow from neutral sources, in order thereby to favour a surreptitious monopoly to British traders. In order to counteract this policy, it was the manifest interest of France to have favoured the rival and cheaper supplies through neutrals ; instead of which, she has co-operated with the monopolizing views of Great Britain by a rigorous exclusion of neutrals from her ports. She has in fact reversed the operation originally professed by her decree. Instead of annoying her enemy at the expense of a friend, she annoys a friend for the benefit of her enemy.

If the French government should accede to the overture contained in the act of congress, by repealing, or so modifying its decrees, as that they will cease to violate our neutral rights, you will, if necessary, transmit the repeal, properly authenticated, to Mr. Pinkney, by a special messenger, and you will hasten and insure the receipt of it here, by engaging a vessel, if no equivalent conveyance should offer, to bring it directly from France, and by sending several copies to Mr. Pinkney to be forwarded from British ports.

I have the honour, &c. &c.

R. SMITH.

(Signed)

General Armstrong, &c. &c.

*Mr. Barlow to Mr. Russell, 2d March, 1812.*

It seems, from a variety of documents that I have seen, and among others the decision of Sir William Scott in the case of the ship Fox, that the British government requires more proof of the effectual revocation, by the French government, of the Berlin and Milan decrees. Though it is not easy to perceive what purpose such additional proof is to answer, either for obtaining justice or for showing why it is refused, yet I herewith send you a few cases in addition to what have already been furnished.

Among these I believe you will find such as will touch every point that was contemplated in those decrees, to prove them all to have been removed. If not, and still further proof after this should be deemed necessary, I can doubtless furnish it; for the subject is not exhausted, though your patience may be.

1st. The schooner Fly, Adams, of and from New-York, loaded with cotton, sugar and coffee, bound to St. Petersburg, taken by an English cruizer, and carried into Cowes, thence released, came into Havre, declared the facts as above, entered, sold her cargo, reloaded with French goods, and departed without molestation.

2d. The brig Ann-Maria, of and from New-York, D. Campbell, master, bound to a port in France, loaded with pot-ash, cotton, staves, put into Falmouth, then came to Morlaix, entered, sold, bought, reloaded, and departed, as above.

3d. The ship Neptune, Hopkins, bound from London to Charleston, in ballast, taken, brought into Dieppe, restored by a decree of the Emperor, and departed again in ballast.

4th. Ship Marquis de Someruelos, with indigo, fish, cotton, bound to Civitta Vecchia, boarded by a British frigate, arrived at her port, declared the fact, entered, sold, and is now reloading for the United States.

5th. Ship Phœbe, from Boston to Civitta Vecchia, colonial produce, boarded as above, arrived, entered, sold, and is now reloading for departure.

6th. Ship Recovery, of Boston, with pepper, boarded, arrived, entered, and treated as above at the same place; now selling her cargo.

7th. Brig Star, bound to Naples, with colonial produce, taken and carried into Toulon, for having touched at Gibraltar, under pretence of a violation of the decrees, and restored by the Emperor, on the express ground that the decrees no longer existed, as applicable to the United States.

It would be wrong to allege that any of these vessels were protected by special licenses. In the first place, only three of the seven had licenses; those were the Fly, the Phœbe, and the Recovery. Secondly. It is well known that licenses are not, and never were given as protections against the effects of those decrees. The object of the licenses given to the vessels of the United States is distinctly defined to be merely to guard against false papers, and to prove the regularity of the voyage. They are used only for colonial produce, and not at all for the produce of the United States; and we see in every instance, that a vessel loaded wholly with produce of



the United States, or in ballast, is respected by the government here. At least I know it has been so, in every instance, since my arrival in September last; and there have been, I doubt not, 30 or 40 such vessels in France within that period. But a vessel loaded with colonial produce, and sailing without a license, would be certainly confiscated, whether she had violated the supposed decrees or not. Indeed, the regulation about licenses is not a maritime regulation, and it has nothing to do with neutral rights. It is, strictly speaking, *a relaxation of the French navigation act*, in favour of such particular persons as obtain them, to enable such persons to bring goods of an origin foreign to the United States into France.

It is the same as if a vessel of the United States should, by a special relaxation of the English navigation act, obtain a license to bring Brazil sugars or French wines into England. Such a license would surely not be considered as a breach, on the part of England, of our neutral rights, neither would it be a breach of such rights to confiscate our vessels carrying such articles into England without a license. The violation of the navigation law, either of France or England, is not a neutral right, and therefore the punishment of such violation is not a breach of neutral right.

I have taken the liberty to be thus particular on this head, because in several instances, during the discussion with the ministers of the British government, I have seen a disposition in them to confound with the French maritime decrees, not only this affair of special licenses, but several regulations merely fiscal and municipal, bearing no relation to neutral rights, or to the decrees in question.

I will terminate this statement by repeating the solemn declaration that I made to you in my letter to you of the 30th January, (and there is no impropriety in the repetition, since a greater length of time has given a wider scope to the declaration,) that since my arrival in September last, there has not been a single instance of the application of the Berlin and Milan decrees to an Amercian vessel or cargo, and that I have not heard of their having been so applied, since the first of November, 1810, though many instances have occurred within that period, in which they must have been so applied, had they been in vigour.

It is difficult to conceive, probably impossible to procure, and certainly insulting to require, a mass of evidence more positive than this, or more conclusive to every unprejudiced mind.

(Signed)

J. BARLOW.

*Copy of a letter from Mr. Barlow to the Duke of Bassano, dated March 12, 1812.*

The undersigned, Minister Plenipotentiary of the United States, has the honour to transmit, here enclosed, to his excellency the Duke of Bassano, minister of foreign relations, copies of the protests of Thomas Holden, master of the American brig *Dolly*, of New-York, and Stephen Bayard, master of the American ship *Telegraph*, of New-York, by which his excellency will learn that these vessels have been met with at sea, by his imperial and royal Majes-



ty's ships, the Medusa, captain Rael, and the Nymph, captain Plas-saw, who, after having plundered them of part of their cargoes, destroyed the remainder by burning the ships.

It is a painful task to the undersigned to be obliged so frequently to call the attention of his excellency to such lawless depredations. It appears to him, that in the whole catalogue of outrages on the part of the cruisers of the belligerents, of which the United States have such great and just reason to complain, there are none more vexatious and reprehensible than this.

Upon what ground can such spoliations be justified? Will it be alleged that the destruction of these vessels was necessary in order to prevent their carrying information to the enemy, and thereby endanger the safety of these frigates upon a trackless ocean? This would be a poor defence. After boarding these peaceful traders, they might easily have led their course south, when they intended to go north. They could even have maintained their assumed character of British ships, under which it seems they began the commission of these flagrant acts, and thus have prevented all information of their cruising in those latitudes.

But it appears that plunder and not safety was the object for which they have thus disgraced the imperial flag. For his excellency will probably have learnt from Brest, where the frigates entered, that the twenty boxes of spices, and other articles taken from the Telegraph, were smuggled on shore, and it is said, were sold for the benefit of the equipage of the Medusa.

Thus is the property of citizens of the United States seized, condemned, and sold by officers in the imperial navy, who became at once captors, judges and venders of the property of unoffending neutrals. Such disgraceful violations of every principle on which nations consent to live in peace, ought never to go unpunished, and surely in this case they will not.

The undersigned, therefore, most earnestly calls on his excellency, the Minister of Foreign Relations, as the official guardian of public right, to lay a statement of this outrage before his Majesty in such a point of view as shall produce a speedy compensation to the Captains Holden and Bayard, and the owners of the ships and cargoes, for the losses they have sustained; and his Majesty will doubtless take measures to avenge the dignity and signalize the justice of his government by punishing such a crime in a manner to prevent its repetition.

The valuation of the Dolly and her cargo, and of the Telegraph and her cargo, is herewith enclosed; the delay in obtaining these valuations has retarded, for some weeks, the presentation of this letter; and the undersigned cannot but indulge the hope that his excellency will now give as early attention to the whole of the case, as its importance manifestly demands.

The undersigned begs his excellency, &c. &c.

(Signed)

J. BARLOW.

*His Excellency, the Duke of Bassano.*

*Mr. Russell's Communications.*

A schedule of American vessels taken by French privateers since the first of November 1810, [the period of the alleged repeal of the French decrees:] of these it was worthy of remark, that "the Robinsonova, from Norfolk to London, with tobacco, cotton and staves; the Mary Ann from Charleston to London, with cotton and rice; the General Eaton, from London to Charleston, in ballast; the Neptune, from London to Charleston, also in ballast; the Clio, from London to Philadelphia, with English manufactures; the Zebra, from Boston to Tarragona (*then in possession of the Spaniards*) with staves; all coming under the operation of the French decrees, and *seized since the 2d November, 1810*, had *not* been restored, on the 14th of July last:" and that the only two vessels named in that schedule, which had been restored, viz. the Two Brothers from Boston to St. Malo, and the Star from Salem to Naples (the one a port in France, the other virtually a French port) did *not* come within the scope of the Berlin and Milan decrees.—Indeed, the only cases relied upon by Mr. Monroe to prove the repeal of the French decrees, are those of the Grace-Ann-Green, and the New-Orleans Packet. On the first of these no great stress is laid—because, having been captured by an English cruiser, she was retaken by her own crew and carried into Marseilles, where, consequently, the captors became French prisoners of war.

*Lettre du Conceiller d'Etat, 22 Avril, 1808.*

Orders of his Majesty, the Emperor, issued at Bayonne, April 17, 1808:

The American government having placed a general embargo in all the ports of the United States, has suspended all commerce.

All American ships shall, in consequence, be considered as from England, and under sequestration.

And further, there shall be sent to the Counsellor of State, in order to be laid before his Majesty, a statement of all the American vessels which have entered our ports since the first of January, 1808.

*Translation of a decree, issued by the emperor of the French, at Rambouillet, 23d March, 1810.*

Napoleon, &c. &c. considering that the government of the United States, by an act, dated 1st March, 1809, which forbids the entrance of the ports, harbours and rivers of the said states to all French vessels, orders, 1st. That after the 20th May following, vessels under the French flag, which shall arrive in the

United States, shall be seized and confiscated as well as their cargoes. 2dly. That after the same epoch, no merchandise or produce, the growth or manufacture of France, or her colonies, can be imported into the United States, from any foreign port or place whatsoever, under the penalty of seizure, confiscation, and a fine of three times the value of the merchandise. 3dly. That American vessels cannot go to any port of France, of her colonies, or dependencies : We have decreed and do decree what follows :

Art. 1. All vessels navigating under the flag of the United States, or possessed, in whole or in part, by any citizen or subject of that power, which, counting from the 20th May, 1809, have entered or shall enter into the ports of our empire, of our colonies, or of the countries occupied by our arms, shall be seized, and the product of the sales shall be deposited in the surplus fund (*caisse d'amortissement*.)

There shall be exempted from this regulation, the vessels which shall be charged with despatches, or with commissions of the government of the said states, and who shall not have entered cargoes or merchandise on board.

Our grand judge, minister of justice, and our minister of finance are charged with the execution of our present decree.

(Signed)

NAPOLEON.























